

Mojave Desert Air Quality Management District Governing Board Meeting

Agenda

LOCATION

**MOJAVE DESERT AQMD BOARD CHAMBERS
14306 PARK AVENUE VICTORVILLE, CA 92392**

www.mdaqmd.ca.gov

MONDAY, OCTOBER 22, 2018

10:00 AM

TELECONFERENCE LOCATION(S)

San Bernardino County Government Center
385 N. Arrowhead Ave., Fifth Floor
San Bernardino, CA 92415

Riverside County Board of Supervisors
73-710 Fred Waring Drive, Ste. 222
Palm Desert, CA 92260

Blythe City Hall, Conference Room A
235 N. Broadway
Blythe, CA 92225

Needles City Hall
817 Third Street
Needles, CA 92363

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE LISTED PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE GOVERNING BOARD AT, OR PRIOR TO, THE PUBLIC HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, PUBLIC COMMENTS ARE LIMITED TO THREE MINUTES PER SPEAKER. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

Except where noted, all scheduled items will be heard in the Chamber of the Governing Board, Mojave Desert AQMD Offices, 14306 Park Avenue, Victorville, CA and the teleconference location(s). Please note that the Board may address items in the agenda in a different order than the order in which the item has been posted.

CALL TO ORDER 10:00 A.M.

Pledge of Allegiance.

Roll Call.

Special Announcements/Presentations:

- A. Plaque presentation to Board Member Robert Leone. Presenter. Brad Poiriez, Executive Director/APCO.

Items with potential Conflict of Interests - for information only:

Item #8. The parties to the agreement will be the District and Environmental Engineering Studies, Inc., (EES). Potential Conflict: District Board Members and Officers; Environmental Engineering Studies, Inc., (EES), and its principals.

Item #9. The parties to this agreement(s) will be the District, District Board members and Officers and Joseph John, Chairol Custom Hay, Inc. with its principals and agents.

PUBLIC COMMENT

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Name of Case: Victor Ramirez vs MDAQMD et. al CIVDS 1809642 San Bernardino County Superior Court (Government Code Section 54956.9).
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Name of Case: People of the State of CA ex. rel MDAQMD vs Cobano LLC dba Trona Shell et. al CIVDS 1821548 San Bernardino County Superior Court (Government Code Section 54956.9).
4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION 1case (Government Code Section 54956.9).

OPEN SESSION

Disclosure of any Reportable action taken in Closed Session; and the Vote and Abstention of every Member Present in the Closed Session

CONSENT CALENDAR

5. [Approve Minutes from Regular Governing Board Meeting of September 24, 2018.](#)
6. [Amend and update Governing Board Policy 94-4, "Staff Participation on Taskforces, Committees, Boards, etc.;" Governing Board Policy 96-5, "Occupational Illness and Injury Prevention Program;" and Governing Board Policy 97-1, "Violence and Threats in the Workplace Zero Tolerance." Presenter: Jean Bracy, Deputy Director – Administration.](#)
7. [Authorize disbursements for Fiscal Year 19 from AB 2766 Grant Funds as described in the Mobile Source Emission Reductions Program \(MSERP\) Work Plan as amended March 26, 2018. Presenter: Jean Bracy, Deputy Director – Administration.](#)
8. [Delegate authority to the Executive Director/APCO to negotiate the terms and conditions of a contract with Environmental Engineering Studies, Inc., \(EES\) to continue the administration of the District's Voluntary Accelerated Vehicle Retirement \(VAVR\) Program, approved as to legal form. Presenter: Jean Bracy, Deputy Director – Administration.](#)
9. [1\) Award an amount not to exceed \\$443,958.26 in Carl Moyer and Voluntary NOx Remediation Measure funds to Chairel Custom Hay, Inc. for the replacement of seven \(7\) tractors with newer cleaner engine technology thus reducing emissions; \(2\) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3\) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Jorge Camacho, Grants Specialist.](#)
10. [Set date of January 28, 2019 to conduct a public hearing to consider the amendment of Rule 219 – Equipment Not Requiring a Permit and approval of California Environmental Quality Act \(CEQA\) documentation. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.](#)
11. [Receive and file the Financial Report for FY19, through the month of August 2018, which provides financial information and budget performance concerning the fiscal status of the District. Presenter: Jean Bracy, Deputy Director – Administration.](#)
12. [Receive and file the Legislative Report for October 5, 2018. Presenter: Brad Poiriez, Executive Director/APCO.](#)

ITEMS FOR DISCUSSION

13. DEFERRED ITEMS.
14. PUBLIC COMMENT.
15. [Hold a public meeting to consider the adoption of the Mojave Desert AQMD AB 617 BARCT Implementation Schedule \(H&S Code §40920.6\(c\)\(1\)\) \(BARCT Implementation Schedule\): a. Hold public meeting; b. Receive public testimony; c. Make a determination that the CEQA Categorical Exemption applies; d. Certify the](#)

Notice of Exemption; e. adopt the Mojave Desert AQMD 617 BARCT Implementation Schedule (H&S Code §40920.6(c)(1)). Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

16. Conduct a public hearing to consider the adoption of the Federal Negative Declaration for One Control Techniques Guidelines Source Category (Motor Vehicle Materials): a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the Federal Negative Declaration for One Control Techniques Guidelines Source Category (Motor Vehicle Materials) and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.
17. Receive and file presentation regarding the responsibilities and duties of the Community Relations & Education (CRE) department. Presenter: Ryan Orr, CRE Supervisor.
18. Reports: Executive Director.
19. Board Members Comments and Suggestions for future agenda items.

In compliance with the Americans with Disabilities act, if special assistance is needed to participate in the Board Meeting, please contact Deanna Hernandez during regular business hours at 760.245.1661 x6244. Notification received 48 hours prior to the meeting will enable the District to make reasonable accommodations.

I hereby certify, under penalty of perjury, that this agenda has been posted 72 hours prior to the stated meeting in a place accessible to the public. Copies of this agenda and any or all additional materials relating thereto are available at the District Office at 14306 Park Avenue, Victorville, Ca 92392 or by contacting Deanna Hernandez at 760.245.1661 x6244 or by email at dhernandez@mdaqmd.ca.gov .

Mailed & Posted on: Tuesday, October 16, 2018.

Approved:

Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of September 24, 2018.](#)

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, SEPTEMBER 24, 2018 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

DRAFT MINUTES

Board Members Present:

Jim Cox, Chair, City of Victorville
Jeff Williams, Vice Chair, City of Needles
Ed Camargo, City of Adelanto
John Cole, City of Twentynine Palms
Joseph “Joey” DeConinck, City of Blythe
Carmen Hernandez, City of Barstow
Robert Lovingood, San Bernardino County
V. Manuel Perez, Riverside County
Paul Russ, City of Hesperia
Barb Stanton, Town of Apple Valley

Board Members Absent:

Robert Leone, Town of Yucca Valley
James Ramos, San Bernardino County
Barbara Riordan, Public Member

CALL TO ORDER

Chair **JIM COX** called the meeting to order at 10:00 a.m.

Chair **JIM COX** asked Board Member **JEFF WILLIAMS** to lead the Pledge of Allegiance.

Chair **JIM COX** asked for roll call; roll was called.

Special Announcements/Presentation:

A. Plaque presentation to Board Member Barb Stanton. Presenter. Brad Poiriez, Executive Director/APCO.

Executive Director/APCO Brad Poiriez took a moment to thank Member Barb Stanton for her service on the District Board. During her time on the Board, she has shaped the policies of the District and helped forge a plan for continued success in the future. It’s rewarding to see a board member show the same compassion for air quality, and the residents throughout the District, as she has done for those that elected her to serve in Apple Valley. The District has been honored to have had Member Stanton help steer the District ship over many years and wish her all the best in the future.

- B. Presentation of 2017/2018 Exemplar Award to the Marine Corps Logistics Base Barstow. Presenter: Brad Poiriez, Executive Director/APCO.

Executive Director/APCO Brad Poiriez provided background information on the Exemplar Award and was proud to recognize the Marine Corps Logistics Base, Barstow for their efforts in being compliant coupled with being proactive in seeing what they can do to further reduce emissions, and always preemptively ensuring that they are meeting all current permit requirements. Based upon these accomplishments, the Marine Corps Logistics Base has earned the distinction of being named the recipient of the 2017/2018 Exemplar Award.

Chair **JIM COX** called for items with potential conflict of interest – 2 items for information only:

A. Item #8. The parties to this agreement(s) will be the District, District Board members and officers and Linda Noroian, Nish Noroian Farms with its principals and agents.

B. Item #9. The parties to this agreement(s) will be the District, District Board members and officers and Ryan Seiler, Seiler Equipment Company, LLC with its principals and agents.

Chair **JIM COX** called for **PUBLIC COMMENT** – None.

CLOSED SESSION

Upon Motion by Board Member **PAUL RUSS**, seconded by Board Member **ROBERT LOVINGOOD** and carried by unanimous roll call vote, the Board adjourned to Closed Session at 10:10 a.m.

Agenda Item 1 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).

Agenda Item 2 - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Name of Case: Victor Ramirez vs MDAQMD et. al CIVDS 1809642 San Bernardino County Superior Court (Government Code Section 54956.9).

OPEN SESSION - Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session.

The Governing Board reconvened to open session at 10:26 a.m., and District Counsel Karen K. Nowak stated that the Board met in Closed Session on the above Agenda Items with no reportable action.

CONSENT CALENDAR – Chair **JIM COX** polled the Board to determine if any member wished to pull an item on the consent calendar. Being none, the following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **PAUL RUSS**, seconded by Board Member **ROBERT LOVINGOOD**, and carried by the following roll call vote, with ten **AYES** votes by Board Members **ED**

CAMARGO, JOHN COLE, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, ROBERT LOVINGOOD, V. MANUEL PEREZ, PAUL RUSS, BARB STANTON, and JEFF WILLIAMS as follows:

Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of August 27, 2018.

Approved Minutes from Regular Governing Board Meeting of August 27, 2018.

Agenda Item 4 – Receive and file the minutes of the Technical Advisory Committee (TAC) meeting September 4, 2018. **Received and filed** the minutes of the Technical Advisory Committee (TAC) meeting September 4, 2018.

Agenda Item 5 – Receive and file the Legislative Report for September 7, 2018.

Received and filed the Legislative Report for September 7, 2018.

Agenda Item 6 – Adopt a resolution approving and adopting the MDAQMD Budget for FY 2018-19.

Adopted Resolution 18-17, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2018-19.”

Agenda Item 7 – Amend and update Governing Board Policy **95-3**, “Persons Authorized to Incur Costs;” and Governing Board Policy **06-02**, “Authority of District Counsel,” and delete Governing Board Policy **95-2**, “Retaining of Outside Litigation Counsel, Different From Outside Legal Counsel.”

Amended and updated Governing Board Policy **95-3**, “Persons Authorized to Incur Costs;” and Governing Board Policy **06-02**, “Authority of District Counsel,” and **deleted** Governing Board Policy **95-2**, “Retaining of Outside Litigation Counsel, Different From Outside Legal Counsel.”

Agenda Item 8 – 1) Award an amount not to exceed \$363,748.00 in Carl Moyer Program funds to Linda D Noroian for the replacement of two tractors with newer cleaner engine technology thus reducing emissions; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

1) **Awarded** an amount not to exceed \$363,748.00 in Carl Moyer Program funds to Linda D Noroian for the replacement of two tractors with newer cleaner engine technology thus reducing emissions; (2) **authorized** the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) **authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 9 – 1) Award an amount not to exceed \$161,533.00 in Carl Moyer Program funds to Ryan Seiler for the replacement of two tractors with newer cleaner engine technology thus reducing emissions; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

1) **Awarded** an amount not to exceed \$161,533.00 in Carl Moyer Program funds to Ryan Seiler for the replacement of two tractors with newer cleaner engine technology thus reducing emissions; (2) **authorized** the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) **authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 10 – Set date of October 22, 2018 to conduct a public hearing to consider the adoption of the Federal Negative Declaration for One Control Techniques Guidelines Source Category (Motor Vehicle Materials) and approval of CEQA documentation.

Date set for October 22, 2018 to conduct a public hearing to consider the adoption of the *Federal Negative Declaration for One Control Techniques Guidelines Source Category (Motor Vehicle Materials)* and approval of CEQA documentation.

Agenda Item 11 – Receive and file the Financial Report for **FY19**, through the month of **July 2018**, which provides financial information and budget performance concerning the fiscal status of the District.

Received and filed the Financial Report for **FY19**, through the month of **July 2018**, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 12 – DEFERRED ITEMS.

None.

Agenda Item 13 – PUBLIC COMMENT.

Public Comment made on Agenda Item #14 by Mr. Jason E. Songer Sr., A-Z Bus and Mr. Matt Essex, Adomani Inc., regarding electric school buses. They also had an electric school bus on site to provide a demonstration and a ride to the Governing Board members.

Agenda Item 14 – Receive and file presentation regarding the responsibilities and duties of the Grants Program.

Received and filed presentation regarding the responsibilities and duties of the Grants Program. No action required of the Governing Board – informational item only.

Agenda Item 15 – Reports:

Special notes from Mr. Poiriez:

- Signed MOA's for additional purple air sensors installations;
- Legislative Update on several bills: SB 100 – signed by Governor – 100% clean energy bill to be achieved by 2045. SB 64 – died – would have required additional amendments to remove air district concerns regarding forecasting and electrical generating units of 25mw or more operations.
- Publicly thanked Board Member Barb Stanton for her service on the Mojave Desert AQMD Governing Board.

Mr. Poiriez updated the Board of past events:

- September 14th – Met with SCAQMD Executive Staff regarding “Step-Up” program, grant opportunities and regional collaborations efforts;
- September 5th - attended State of the County conference;
- September 6th – attended Victor Valley College Foundation luncheon;
- September 12th – MEEC hosted teachers workshop onsite and MDAQMD staff participated;

- September 17th -20th – attended WRAP Fall Board meeting;

Mr. Poiriez updated the Board of upcoming events:

- September 24th – will be participating in CAPCOA Legislative Retreat & Board meeting conference call;
- September 28th – will be attending 2034 Hesperia Infrastructure Committee meeting;
- October 3rd – is California Clean Air Day and the District will be doing social media outreach;
- October 10th – will be attending ACT Transit Luncheon at the request of Victor Valley Transit Authority;
- October 14th – will be attending NACAA Fall meeting.

Agenda Item 16 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **BARB STANTON** expressed a heartfelt thank you to all.

Being no further business Chair **JIM COX** adjourned the meeting at **10:59 a.m.** to the next Regular Meeting of ***October 22, 2018.***

The following page(s) contain the backup material for Agenda Item: [Amend and update Governing Board Policy 94-4, “Staff Participation on Taskforces, Committees, Boards, etc.;](#)” [Governing Board Policy 96-5, “Occupational Illness and Injury Prevention Program;](#)” and [Governing Board Policy 97-1, “Violence and Threats in the Workplace Zero Tolerance.”](#) Presenter: Jean Bracy, Deputy Director – Administration.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #6

DATE: October 22, 2018

RECOMMENDATION: Amend and update Governing Board Policy **94-4**, “Staff Participation on Taskforces, Committees, Boards, etc.,” Governing Board Policy **96-5**, “Occupational Illness and Injury Prevention Program;” and Governing Board Policy **97-1**, “Violence and Threats in the Workplace Zero Tolerance.”

SUMMARY: This item amends and updates existing Governing Board Policy **94-4**, “Staff Participation on Taskforces, Committees, Boards, etc.,” Governing Board Policy **96-5**, “Occupational Illness and Injury Prevention Program;” and Governing Board Policy **97-1**, “Violence and Threats in the Workplace Zero Tolerance;” and cleans up and updates policy language and format.

CONFLICT OF INTEREST: None

BACKGROUND: In the effort to keep the Board familiar with the policies and practices which have been adopted to direct staff action and to facilitate the conduct of the business of the District these policies will be presented to the Board from time to time with recommendations for amendments if such are needed. This history and development of each policy is described in Exhibit 1.

A final of the proposed versions are included as well as a REDLINED draft which indicates the proposed changes from the current version. The recommended amendments make non substantive revisions to the policies which are further described in Exhibit 1. The format of each Governing Board Policy has been changed to add a signature line for the Executive Director which effectively acknowledges the Board’s delegation of the Governing Board Policy. The revision history has been moved to the end of the document.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #6

PAGE 2

REASON FOR RECOMMENDATION: Governing Board action is necessary to approve changes to the policies of the Governing Board.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about October 9, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Jean Bracy, Deputy Director – Administration

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #6

PAGE 3

Exhibit 1

Governing Board Policy 94-4 is the Governing Board Policy that addresses participation by the Executive Director/APCO and District management staff on taskforces, committees, and boards. Adopted March 23, 1994, the policy describes when a “member of the management staff may participate in public or private task forces, committees, boards, etc., when the staff participating does not receive compensation for such participation from a source other than the District.” During the review in January 23, 2012 the policy was revised to specifically include the Executive Director/APCO. The policy as written is sufficient to meet the District’s business needs except to expand the opportunity to all District employees subject to the approval of the Executive Director/APCO. This revision updates the format to include a signature line for the Executive Director/APCO.

Governing Board Policy 96-5 is the Governing Board Policy that establishes the District’s written policy (Illness and Injury Prevention Plan, “IIPP”) for safe work practices, planned responses to potential emergency situations, and assigns responsibility for ensuring compliance with the District’s written practices. This policy originated in SB 198 which was codified in Title 8 California Code of Regulations §3203. In addition to the IIPP, the District has a written Health & Safety Handbook, and an Emergency Action/Building Evacuation Plan. A Safety Committee of designated employees meets to review safe practices and potential safety hazards. In July 2018 a comprehensive safety audit was conducted on the District premises and all air monitoring stations. This audit was provided by our risk management agency, Special District Risk Management Authority (SDRMA). The policy as written is sufficient to meet the District’s business needs and updates the format to include a signature line for the Executive Director/APCO.

Governing Board Policy 97-1 is the Governing Board Policy establishing zero tolerance for violence or threats in the workplace. Adopted January 27, 1997 the policy is part of the District’s program to implement policies and practices to maintain a safe workplace for District employees. Practices for a safe workplace are contained in Standard Practices as well as the Illness, Injury and Prevention Program ((IIPP) as required by SB 198 (8 CCR §3203). Under the authority of the Executive Director/APCO, Standard Practice (2-5) further amplifies the policy with defining prohibited conduct, procedures for reporting and investigating, security measures, corrective actions, and training. This revision recommends revising the title for clarity, and streamlining the text, and updating the format to include a signature line for the Executive Director/APCO.

GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District

Policy No: 94-4
Amended: October 22, 2018

James L. Cox
Governing Board Chair

Brad Poiriez
Executive Director/APCO

SUBJECT: STAFF PARTICIPATION ON TASKFORCES, COMMITTEES, BOARDS

POLICY:

Absent a conflict of interest, it shall be the policy of the Mojave Desert Air Quality Management District that a member of the District staff or the Air Pollution Control Officer (APCO) may participate in any public or private task force, committee, board, etc. when such participation directly or indirectly furthers the powers and duties granted to, and imposed upon the district.

AMPLIFICATION OF POLICY:

The Air Pollution Control Officer is authorized to make the determination when participation directly or indirectly furthers the powers and duties granted to, and imposed upon the district for members of staff. The Governing Board shall make this determination when the APCO is requested to participate on such a taskforce, committee, board or other body.

For the purpose of this Policy, any participation at the official request of a public official of a federal, state, or local public agency or any participation in a body created by the act of the legislature shall be presumed to directly and indirectly further the powers and duties granted to, and imposed upon the district provided the staff participating does not receive any compensation for such participation from a source other than the district.

Participation by District staff on taskforces, committees, boards, or other similar opportunities outside of the District is subject to the approval of the Executive Director/APCO.

Revision History:

Adopted: March 23, 1994
Amended: January 23, 2012
Last Review: January 26, 2015

GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District

Policy No: 94-4
Amended: October 22, 2018

~~Effective Date: March 23, 1994~~

~~Adopted: March 23, 1994~~

~~_____/s/_____
Brad Mitzelfelt James L. Cox,
Governing Board Chair~~

~~Last Review: January 26, 2015~~

~~_____
Brad Poiriez
Executive Director/APCO~~

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SUBJECT: STAFF PARTICIPATION ON TASKFORCES, COMMITTEES, BOARDS
~~ETC.~~

POLICY:

Absent a conflict of interest, it shall the policy of the Mojave Desert Air Quality Management District that a member of the ~~Mojave Desert~~ District ~~management~~ staff or the Air Pollution Control Officer (APCO) may participate in any public or private task force, committee, board, etc. when such participation directly or indirectly furthers the powers and duties granted to, and imposed upon the district.

AMPLIFICATION OF POLICY:

The Air Pollution Control Officer is authorized to make the determination when participation directly or indirectly furthers the powers and duties ~~granted~~ to, and imposed upon the district for members of ~~management~~ staff. The Governing Board shall make this determination when the APCO is requested to participate on such a taskforce, committee, board or other body.

For the purpose of this Policy, any participation at the official request of a public official of a federal, state, or local public agency or any participation in a body created by the act of the legislature shall be presumed to directly and indirectly further the powers and duties granted to, and imposed upon the district provided the staff participating does not receive any compensation for such participation from a source other than the district.

~~For the purpose of this Policy, "management staff" is defined to consist of those employees who are who are not represented by any recognized employees association.~~

Participation by District staff on taskforces, committees, boards, or other similar opportunities outside of the District is subject to the approval of the Executive Director/APCO.

Revision History:

<u>Adopted:</u>	<u>March 23, 1994</u>
<u>Amended:</u>	<u>January 23, 2012</u>
<u>Last Review:</u>	<u>January 26, 2015</u>

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GOVERNING BOARD POLICY

Mojave Desert Air Quality Management District

Policy No: 96-5
Amended: October 22, 2018

James L. Cox
Governing Board Chair

Brad Poiriez,
Executive Director/APCO

SUBJECT: OCCUPATIONAL ILLNESS AND INJURY PREVENTION PROGRAM

POLICY:

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to provide safe working conditions, a healthful work environment, and to promote continuing safety awareness at all levels of employment with the District.

The District recognizes its responsibility to provide a safe place of employment; to provide safety devices, protective equipment, employee training and mechanical safeguards; to protect the life, safety, health and welfare of employees; and to initiate, maintain and enforce a program to fulfill this responsibility.

AMPLIFICATION OF POLICY:

A. Program Objectives

1. The object of the Occupational Illness and Injury Prevention Program is to promote occupational safety awareness among all employees of the District; provide procedures, guidelines and training necessary to ensure the occupational safety; ensure that the District implements and conforms to the requirements of Title 8 California Code of Regulations §3203 and other applicable provisions of law and regulation.

B. Program Adoption

1. The Air Pollution Control Officer (APCO) shall ensure that the District has an Occupational Illness and Injury Prevention Program which complies with the applicable provisions of law and has the responsibility for implementing the District Occupational Illness and Injury Program.

Revision History

Adopted: November 26, 1996
Amended: January 23, 2012
Last Review: January 26, 2015

GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District

Policy No: 96-05
Amended: ~~January 23, 2012~~ October 22, 2018

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~~Policy No: 96-05~~
~~Effective Date: November 25, 1996~~

~~Adopted: November 25, 1996~~
~~Amended: January 23, 2012~~

~~_____/s/_____
Brad Mitzelfelt~~
James L. Cox,
Governing Board Chair

Brad Poiriez,
Executive Director/APCO
~~Last Review: January 26, 2015~~

SUBJECT: OCCUPATIONAL ILLNESS AND INJURY PREVENTION PROGRAM

POLICY:

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to provide safe working conditions, a healthful work environment, and to promote continuing safety awareness at all levels of employment with the District.

The District recognizes its responsibility to provide a safe place of employment; to provide safety devices, protective equipment, employee training and mechanical safeguards; to protect the life, safety, health and welfare of employees; and to initiate, maintain and enforce a program to fulfill this responsibility.

AMPLIFICATION OF POLICY:

A. Program Objectives

1. The object of the Occupational Illness and Injury Prevention Program is to promote occupational safety awareness among all employees of the District; provide procedures, guidelines and training necessary to ensure the occupational safety; ensure that the District implements and conforms to the requirements of Title 8 California Code of Regulations §3203 and other applicable provisions of law and regulation.

B. Program Adoption

1. The Air Pollution Control Officer (APCO) shall ensure that the District has an Occupational Illness and Injury Prevention Program which complies with the applicable provisions of law and has the responsibility for implementing the District Occupational Illness and Injury Program.

Revision History

Adopted: November 26, 1996

Amended: January 23, 2012

Last Review: January 26, 2015

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GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District

Policy No: 97-1
Amended October 22, 2018

James L. Cox
Governing Board Chair

Brad Poiriez
Executive Director/APCO

**SUBJECT: ZERO TOLERANCE STANDARD FOR VIOLENCE AND THREATS IN
THE WORKPLACE**

POLICY:

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to provide safe working conditions for its employees. It is the policy of the District to establish and implement a Zero Tolerance Standard with regard to threats and violent behavior in the workplace.

AMPLIFICATION OF POLICY:

A. Policy Objectives

The objective of the Zero Tolerance Standard with regard to threats and violent behavior in the workplace is to assure that all workplace threats and violent behavior are addressed promptly.

B. Zero Tolerance Standard

The District will not tolerate any threats and/or violent behavior whether direct, indirect, actual or implied, from any person and directed toward any person which occurs at any District facility or in connection with the conduct of District business without regard to location.

The Zero Tolerance Standard with regard to threats and/or violent behavior shall include, but not be limited to, the development by the Air Pollution Control Officer of a Standard Practice which contains the following elements:

1. Procedures for reporting behavior which constitutes threats and/or violent behavior to designated person(s).
2. Procedures regarding security measures to be implemented in case of a report of threats and/or violent behavior.

3. Procedures for documenting and investigating reports of threats and/or violent behavior.
4. Description of corrective action which will be taken against any employee engaging in threatening and/or violent behavior.
5. Procedures specifying that, except as specifically permitted, employees are prohibited from possessing or using defensive weapons during the course of District employment.
6. Provide for training to employees regarding this policy under the Occupational Illness and Injury Prevention Program.

C. Policies and Practices

The Executive Director/APCO is authorized to develop and maintain procedures and practices required to implement this policy.

Revision History:

Adopted:	January 27, 1997
Last Review:	January 26, 2015

GOVERNING BOARD POLICY

Mojave Desert Air Quality Management District

Policy No: 97-1
Amended October 22, 2018

~~Policy No: 97-1~~
~~Effective Date: January 27, 1997~~

~~Adopted: January 27, 1997~~
~~Amended:~~

~~_____/s/_____
Larry Bowden, Chair~~
~~James L. Cox~~
~~Governing Board Chair~~

~~Last Review: January 26, 2015~~
~~Brad Poiriez~~
~~Executive Director/APCO~~

SUBJECT: ZERO TOLERANCE STANDARD FOR VIOLENCE AND THREATS IN
THE WORKPLACE ~~B-ZERO TOLERANCE~~

POLICY:

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to provide safe working conditions for its employees, ~~through the establishment and implementation of an Occupational Illness and Injury Prevention Program Policy 96-5). In addition,~~ It is the policy of the District to establish and implement a Zero Tolerance Standard with regard to threats and violent behavior in the workplace.

AMPLIFICATION OF POLICY:

A. Policy Objectives

The objective of the Zero Tolerance Standard with regard to threats and violent behavior in the workplace ~~as follows:~~

- ~~1. To~~ is to assure that all workplace threats and violent behavior are addressed promptly.
- ~~2. To ensure that the District is in full compliance with the requirement to establish and implement a comprehensive Occupational Illness and Injury Prevention Program as required by Title 8, California Code of Regulations 3203 and District Policy 96-5.~~

B. Zero Tolerance Standard

The District will not tolerate any threats and/or violent behavior whether direct, indirect, actual or implied, from any person and directed toward any person which occurs at any District facility or in connection with the conduct of District business without regard to location.

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The Zero Tolerance Standard with regard to threats and/or violent behavior shall include, but not be limited to, the development by the Air Pollution Control Officer of a Standard Practice which contains the following elements:

1. Procedures for reporting behavior which constitutes threats and/or violent behavior to designated person(s).
2. Procedures regarding security measures to be implemented in case of a report of threats and/or violent behavior.
3. Procedures for documenting and investigating reports of threats and/or violent behavior.
4. Description of corrective action which will be taken against any employee engaging in threatening and/or violent behavior.
5. Procedures specifying that, except as specifically permitted, employees are prohibited from possessing or using defensive weapons during the course of District employment.
6. Provide for training to employees regarding this policy under the Occupational Illness and Injury Prevention Program.

C. Policies and Practices

The Executive Director/APCO is authorized to develop and maintain procedures and practices required to implement this policy.

Revision History:

Adopted: January 27, 1997
Last Review: January 26, 2015

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The following page(s) contain the backup material for Agenda Item: [Authorize disbursements for Fiscal Year 19 from AB 2766 Grant Funds as described in the Mobile Source Emission Reductions Program \(MSERP\) Work Plan as amended March 26, 2018.](#)
[Presenter: Jean Bracy, Deputy Director – Administration.](#)

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #7

DATE: October 22, 2018

RECOMMENDATION: Authorize disbursements for Fiscal Year 19 from AB 2766 Grant Funds as described in the Mobile Source Emission Reductions Program (MSERP) Work Plan as amended March 26, 2018.

SUMMARY: This item authorizes the annual disbursement from AB 2766 Grant Funds.

CONFLICT OF INTEREST: None.

BACKGROUND: On March 26, 2018, the MDAQMD Governing Board approved the program structure for the MDAQMD Mobile Source Emissions Reduction Program (MSERP). The MSERP Work Plan (Exhibit 1, attached) sets forth allocations to be made annually from the revenue received by authority of AB2766 as follows:

1. A direct allocation to District operations (60% of revenue received)
2. Fixed and direct allocations to five agencies delivering transit services:
 - a. Victor Valley Transit Authority \$250,000
 - b. Morongo Basin Transit Authority 40,000
 - c. Needles Area Transit Authority 15,000
 - d. Palo Verde Valley Transit Authority 20,000
 - e. San Bernardino County (operating a rideshare program) 75,000
3. Program Allocations
 - a. The Voluntary Accelerated Vehicle Retirement Program 100,000
 - b. The Lawn & Garden Equipment Exchange Program 100,000

The AB 2766 revenue is collected by the California Department of Motor Vehicles on behalf of the District and remitted to the District two months in arrears. MDAQMD receives the fiscal year's revenue by September and the revenue received for fiscal year 2018-19 will be distributed on or about October 31, 2019, subject to each agency's declaration of eligible use of the grant funds.

**MINUTES OF THE GOVERNING BOARD
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VICTORVILLE, CALIFORNIA**

AGENDA ITEM #7

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The following process will substantiate the use of grant funds and will be useful in the event the District is subject to an audit.

- The District will enter into a Memorandum of Understanding (MOA) with each agency delivering transit services. The Agreement binds the agencies to use the grant funds for eligible projects or programs. Transit services are an eligible use of the grant funds.
- Agencies will be required to report annually about the use of the grant funds allocated for the prior fiscal year.
- Agencies will be required to report their planned use of funds for the next fiscal year.
- The District will continue the annual Lawn & Garden Equipment Exchange program which is usually held in April. This disbursement authorization will reserve funds for this program.
- The District will continue the Voluntary Accelerated Vehicle Retirement program which scraps eligible vehicles on an ongoing basis. This disbursement authorization will reserve funds for this program.

REASON FOR RECOMMENDATION: The Governing Board has the authority to approve disbursements from the grant funds.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about October 9, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Jean Bracy, Deputy Director - Administration

On March 26, 2018, the Governing Board approved the following program structure:

1. **Operational Support Allocation(s)** – Allocate to the District’s General Fund, 60% of total program revenue (approx. \$960,000)
2. **Public Transit Support Allocation(s)** – Allocate in fixed amounts, approx. 25% of total program revenue (\$400,000), disbursed as follows:
 - a. **Victor Valley Transit Authority:** Adelanto, Apple Valley, Barstow, Hesperia, Victorville, and portions of San Bernardino County. **\$250,000**
 - b. **Morongo Basin Transit Authority:** Twentynine Palms, Yucca Valley, and portions of San Bernardino County. **\$40,000**
 - c. **Needles Area Transit:** Needles and portions of San Bernardino County **\$15,000**
 - d. **Palo Verde Valley Transit Authority:** Blythe and portions of Riverside County **\$20,000**
 - e. **San Bernardino County:** providing ride share for commuters residing in the MDAQMD jurisdiction **\$75,000**
3. **Specific Program Allocation(s)** - Allocate in fixed amounts, approx. 15% of total program revenue (\$240,000)
 - a. Voluntary Accelerated Vehicle Retirement (VAVR) Program **\$100,000**
 - b. Lawn & Garden Equipment Exchange Program (LGEP) **\$100,000**
 - c. EV Charging Infrastructure **\$40,000**
4. **Competitive Grant Opportunities Allocation(s)** – Annual revenue received in excess of the allocations noted above may be offered for competitive proposals.

C. THE CLEAN AIR FUND

The purpose of this fund is to provide grants for projects that provide positive air quality impacts on a local community. An award from the District for such projects serves the mission of the District to promote clean air and contribute to a reduction in emissions within the jurisdiction. The Mojave Desert Clean Air Fund is governed by MDAQMD Governing Board Policy 17-01 and related MDAQMD Standard Practices developed to administer the Fund. The Clean Air Fund was initially funded with resources identified by the District in cooperation with the California Air Resources Board and the California State Department of Finance. Future funding may be recommended and authorized by the Board from time to time either directly or through the annual budget process.

The following page(s) contain the backup material for Agenda Item: [Delegate authority to the Executive Director/APCO to negotiate the terms and conditions of a contract with Environmental Engineering Studies, Inc., \(EES\) to continue the administration of the District's Voluntary Accelerated Vehicle Retirement \(VAVR\) Prog](#)

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #8

DATE: October 22, 2018

RECOMMENDATION: Delegate authority to the Executive Director/APCO to negotiate the terms and conditions of a contract with Environmental Engineering Studies, Inc., (EES) to continue the administration of the District's Voluntary Accelerated Vehicle Retirement (VAVR) Program, approved as to legal form.

SUMMARY: This item delegates authority to the Executive Director/APCO to negotiate a contract with EES to administer the District's VAVR program.

CONFLICT OF INTEREST: The parties to the agreement will be the District and Environmental Engineering Studies, Inc., (EES). Potential Conflict: District Board Members and Officers; Environmental Engineering Studies, Inc., (EES), and its principals.

BACKGROUND: Since March 2009 the District has conducted the Voluntary Accelerated Vehicle Retirement (VAVR) program, also referred to as a "car scrapping program," or an "old car buyback program." This incentive program removes from the consumer vehicle inventory cars that are older than 20 years which are known to pollute more than newer models. The program is administered under a Work Plan and meets all of the requirements of the Carl Moyer Program. The MDAQMD uses AB 2766 to fund this program which serves as part of the required match for projects eligible for the Carl Moyer Program.

Annually the Board has been asked to renew the contract with EES and authorize funds to operate the program. The March 26, 2018 adoption of the MDAQMD Mobile Source Emission Reduction Program Work Plan include an annual allocation \$100,000 for the VAVR program. This allocation will fund the buyback costs for eligible vehicles, administrative costs for the contractor and costs associated with outreach. The Governing Board will annually authorize a disbursement of grant funds to several designated agencies and programs, including and allocation for VAVR.

This action will delegate to the Executive Director/APCO the authority to negotiate the terms and conditions of a contract with EES to continue providing the administration and services of the District's VAVR program.

**MINUTES OF THE GOVERNING BOARD
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VICTORVILLE, CALIFORNIA**

AGENDA ITEM #8

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REASON FOR RECOMMENDATION: The Governing Board can delegate its authority to enter into selected agreements.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about October 9, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Jean Bracy, Deputy Director - Administration

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$443,958.26 in Carl Moyer and Voluntary NOx Remediation Measure funds to Chairel Custom Hay, Inc. for the replacement of seven (7) tractors with newer cleaner engine technology thus reducing emissions; (2) authorize the E

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #9

DATE: October 22, 2018

RECOMMENDATION: 1) Award an amount not to exceed \$443,958.26 in Carl Moyer and Voluntary NOx Remediation Measure funds to Chairel Custom Hay, Inc. for the replacement of seven (7) tractors with newer cleaner engine technology thus reducing emissions; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

SUMMARY: This item award grants in the amount not to exceed \$443,958.26 using Carl Moyer and NOx Remediation Measure Program funds to Chairel Custom Hay, Inc. for their seven (7) tractor replacement application(s).

CONFLICT OF INTEREST: The parties to this agreement(s) will be the District, District Board members and Officers and Joseph John, Chairel Custom Hay, Inc. with its principals and agents.

BACKGROUND: The purpose of the Carl Moyer Program provided by the California Air Resources Board (ARB) is to reduce emissions by providing financial incentives to both the public and private sectors to reduce emissions by retiring and replacing older off-road equipment. The removal and destruction of the older off road equipment provides emission reductions that help reduce overall air pollutant emissions in the District.

In addition, the Voluntary NOx Remediation Measure Funding was developed by ARB to help mitigate historic NOx emissions caused by BioDiesel use in response to the Low Carbon Fuel Standard.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #9

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MDAQMD received an application from Joseph John (Chairel Custom Hay, Inc.) for tractor replacement(s). In upgrading their equipment the district expects to see a reduction in NO_x, ROG_s and PM emissions. Staff recommends the Board approve the grant expenditure based on staff affirmation that the project is eligible in all aspects of the grant requirements as the emission reductions achieved will help improve the air quality in the district.

REASON FOR RECOMMENDATION: Governing Board approval is required to: (1) fund grant projects for the Carl Moyer and the NO_x Remediation Program (2) utilize available and alternative funding, (3) delegate to the Executive Director/APCO authority to negotiate and execute agreements with the grant recipient.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about October 1, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated and sufficient funds are available in Carl Moyer Grant Program.

PRESENTER: Jorge Camacho, Grants Specialist

The following page(s) contain the backup material for Agenda Item: [Set date of January 28, 2019 to conduct a public hearing to consider the amendment of Rule 219 – Equipment Not Requiring a Permit and approval of California Environmental Quality Act \(CEQA\) documentation. Presenter: Alan De Salvio, Deputy Director – Moj](#)

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #10

DATE: October 22, 2018

RECOMMENDATION: Set date of January 28, 2019 to conduct a public hearing to consider the amendment of Rule 219 – *Equipment Not Requiring a Permit* and approval of California Environmental Quality Act (CEQA) documentation.

SUMMARY: This item officially sets the date for the mandatory public hearing to be held on the amendment of Rule 219. Rule 219 is proposed for amendment to include additional equipment for exemption, to provide clarity to existing rule language regarding the intent of existing exemptions, and to respond to requested Federal Clean Air Act (FCAA) 110(l) analyses in the Staff Report for several exemptions added in previous amendments that United States Environmental Protection Agency (USEPA) determined were based on a misinterpreted SIP approval.

CONFLICT OF INTEREST: None.

BACKGROUND: The MDAQMD is proposing to amend Rule 219 – *Equipment Not Requiring a Permit* for inclusion in the current rulebook. This rule sets forth which equipment, processes and operations for which a written permit is not required. The proposed amendments include additional equipment for exemption. Proposed amendments will also provide clarity to existing rule language regarding the intent of existing exemptions. USEPA has indicated that the MDAQMD provided an improper FCAA 110(l) analysis for several exemptions made in previous rule amendments, from as far back as the 11/25/91 amendment. The MDAQMD will provide response to the requested 110(l) analyses in this Staff Report, although the requested analyses are for amendments made in previous versions of this rule. As indicated by USEPA, the State Implementation Plan (SIP) version of Rule 219 is 02/01/77 (43 FR 52237, 11/19/1978) for the San Bernardino County portion of the MDAQMD, and 09/04/81 (47 FR 29231, 07/06/82) for the Riverside County portion of the MDAQMD.

New equipment, operations or processes proposed for exemption include: power pressure washers and hot water or steam washers and cleaners; thermal spraying operations; antenna track cleaning and maintenance equipment; closed loop solvent recovery systems; traffic marking application equipment for thermoplastic material; and, cleaning equipment.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #10

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Exemptions modified for clarification include: machining equipment; and, equipment used exclusively for transferring organic liquids, materials containing organic liquids, or compressed gases.

Pursuant to USEPA comment, a response to the FCAA 110(l) analysis request will be provided for the following exemptions: shell core manufacturing; certain food processing equipment; coating application equipment; hammermills processing; paper bailing; architectural surface coating equipment; oil/water separators; and, unheated solvent dispensing equipment.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 219 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about October 8, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations

The following page(s) contain the backup material for Agenda Item: [Receive and file the Financial Report for FY19, through the month of August 2018, which provides financial information and budget performance concerning the fiscal status of the District. Presenter: Jean Bracy, Deputy Director – Administration.](#)

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #11

DATE: October 22, 2018

RECOMMENDATION: Receive and file.

SUMMARY: Receive and file the Financial Report for **FY19**, through the month of **August 2018**, which provides financial information and budget performance concerning the fiscal status of the District.

CONFLICT OF INTEREST: None

BACKGROUND: The Financial Report provides financial information and budget performance concerning the fiscal status of the District. The included reports reflect the business activities of the District for the period referenced *for all funds*. The target variance for August is 17% of Fiscal Year 2019.

The August financial statements (most recent available) indicate that the financial position for the District is sound yet close to the adopted budget estimates. Fiscal Year 19 Program Revenue from AB2766 will be received through October 2018, which explains the 0% received to date.

Expenditures in the General Fund (not included in these reports) are slightly above budget (20%) to date, and Personnel Expenses (17%) are slightly under budget. The District holds sufficient reserves to manage these cash expenditures. The Finance Reports are attached.

REASON FOR RECOMMENDATION: Receive and file.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director/APCO on or before October 9, 2018.

FINANCIAL DATA: No change in appropriation is required at this time.

PRESENTER: Jean Bracy, Deputy Director / Administration

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #11

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FINANCIAL REPORTS

STATEMENT OF REVENUES & EXPENDITURES – This report describes the financial activities for each of the District’s funds during the month indicated.

STATEMENT OF ACTIVITY – This report reflects the revenues received and expenses made in all funds for the month and the year to date against the adopted budget for FY 19. The line items “Program” and “Program Costs” refer to the revenue and those payments made from the District’s grant funds (AB 2766 and Carl Moyer Fund).

Y-T-D Actual Column – The revenue and expenditures to date reflect the activity year to date for the General Fund *together with* the District’s grant funds. When grant funds are expended they may be for amounts greater than what was received year to date because grants are often paid from the funds accumulated over a period of time. The Excess Revenue/Over Expenditures may reflect expenditures for the period exceeding the revenue for the period, creating a negative result the may imply expenses exceeding approved budget for the fiscal year.

The report for August indicates revenue exceeding expenses for FY 19 to date in the amount of \$321,747.23. This reports the District’s financial condition as a snapshot on August 31. As noted in the Background section of this agenda item, about \$320,000 in AB 2766 and other revenue is yet to be received and recorded as revenue for FY 19.

CHECK REGISTERS – These reports list payments made for goods and services and fund transfers for the District accounts

BANK REGISTERS – DISTRICT CARDS – These reports show the purchases made using the District’s MasterCard’s. The items on these lists are the expenditure detail for the payments made to BUSINESS CARD as shown on the Check Register Wells Fargo Operating Account.

Mojave Desert AQMD

Statement of Revenues & Expenditures

For the Period Ending August 31, 2018

Financial Report

	<u>General Fund</u>	<u>Mobile Emissions Program</u>	<u>Carl Moyer Program</u>	<u>Fiduciary Fund</u>	<u>Total Governmental Funds</u>
<u>Revenues</u>					
Antelope Valley Air Quality Mngmnt Contract	122,066.16	0.00	0.00	0.00	122,066.16
Other Contracts	0.00	0.00	0.00	0.00	0.00
Application and Permit Fees	0.00	0.00	0.00	0.00	0.00
AB 2766 and Other Program Revenues	0.00	0.00	0.00	0.00	0.00
Fines	0.00	0.00	0.00	0.00	0.00
Investment Earnings	0.00	0.00	0.00	0.00	0.00
Federal and State	0.00	0.00	0.00	0.00	0.00
Other Revenue	0.00	0.00	0.00	0.00	0.00
Total Revenues	122,066.16	0.00	0.00	0.00	122,066.16
<u>Expenditures</u>					
Salaries and Benefits	115,307.54	0.00	0.00	0.00	115,307.54
Services and Supplies	409.41	0.00	0.00	0.00	409.41
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	0.00	0.00	0.00	0.00	0.00
Total Expenditures	115,716.95	0.00	0.00	0.00	115,716.95
Excess Revenue Over (Under) Expenditures	6,349.21	0.00	0.00	0.00	6,349.21

Mojave Desert AQMD
Statement of Activity - All Funds
For the Period Ending August 31, 2018

Financial Report

	<u>M-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>% Budget</u> <u>to Actual</u>
<u>Revenues</u>				
Revenue - Contracts & Unidentified	122,066.16	229,944.61	1,300,250.00	17.68
Total Revenues	122,066.16	229,944.61	1,300,250.00	17.68
<u>Expenditures</u>				
Office Expenses	266.85	318.61	14,700.00	2.17
Vehicles	28.36	63.63	1,000.00	6.36
Travel	0.00	0.00	1,500.00	0.00
Professional Services	10.20	1,134.95	32,920.00	3.45
Non-Depreciable Inventory	104.00	104.00	0.00	0.00
Total Expenditures	409.41	1,621.19	50,120.00	3.23
<u>Salaries & Benefits</u>				
Personnel Expenses	115,307.54	177,593.53	1,131,908.00	15.69
Total Salaries & Benefits	115,307.54	177,593.53	1,131,908.00	15.69
Excess Revenue Over (Under) Expenditures	6,349.21	50,729.89	118,222.00	42.91

Mojave Desert AQMD
Bank Register from 8/01/2018 to 8/31/2018
Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
EFT	8/01/2018	Pay period ending 7/20/2018	102,767.85	0.00	399,579.80
7660747	8/01/2018	Wage Works FSA Claim	4.03	0.00	399,575.77
0007507	8/02/2018	[10021] CAL PUBLIC EMP RETIREMENT SYSTEM-Invoices 100000015366691, 2018-11, 2018-14	39,891.61	0.00	359,684.16
0007508	8/02/2018	[15040] CINTAS-AED Lease Aug 18	106.67	0.00	359,577.49
EFT	8/02/2018	[14304] JOHN E COLE-Attendance Governing Board Personnel Committee Meeting Tuesday, July 31 2018.	200.83	0.00	359,577.49
0007509	8/02/2018	[11809] CHRIS COLLINS-Off-site staff meeting - restaurant system would not accept credit card..	98.12	0.00	359,479.37
0007510	8/02/2018	[10228] JAMES L COX-Attendance Governing Board Personnel Committee Meeting Tuesday, July 31 2018.	100.00	0.00	359,379.37
0007511	8/02/2018	[14362] GOLDEN STATE FIRE PROTECTION INC-Update and repair fire protection system per fire system inspection performed on 07/16/18.	1,680.00	0.00	357,699.37
0007512	8/02/2018	[10263] IN SHAPE HEALTH CLUBS INC-Pay Period 16/2018 - GymDed	250.79	0.00	357,448.58
0007513	8/02/2018	[14272] LOVELANDS AUTOMOTIVE-Pool Car Fusion Oil Change	46.08	0.00	357,402.50
EFT	8/02/2018	[10200] MOJAVE DESERT AQMD-Pay Period 16/2018 - FSADED	570.83	0.00	357,402.50
0007514	8/02/2018	[10103] ORACLE-Taleo TBE Performance Review Software License FY19	2,500.00	0.00	354,902.50
0007515	8/02/2018	[10244] PAUL'S PRECISION MAINTENANCE-Monthly Maintenance July 18	1,500.00	0.00	353,402.50
0007516	8/02/2018	[10109] PHELAN PINON HILLS CSD-Electric use Fee July 18	160.00	0.00	353,242.50
0007517	8/02/2018	[10129] PRAXAIR DISTRIBUTION INC-Cylinder Rental July 18	72.00	0.00	353,170.50
EFT	8/02/2018	[10117] RICOH AMERICAS CORP-Copier Lease	1,281.84	0.00	353,170.50
0007518	8/02/2018	[15050] RICOH USA INC-Copier Charges	294.77	0.00	352,875.73
0007519	8/02/2018	[10223] BARBARA RIORDAN-Attendance Governing Board Personnel Committee Meeting Tuesday, July 31, 2018	152.32	0.00	352,723.41
0007520	8/02/2018	[10126] SBCERA-Pay Period 16/2018 - SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	75,608.06	0.00	277,115.35
0007521	8/02/2018	[10213] SBPEA-Pay Period 16/2018 - GeneralUnitDues	509.73	0.00	276,605.62
0007522	8/02/2018	[15001] SBPIS-Pay Period 16/2018 - GeneralUnitMisc	107.00	0.00	276,498.62
0007523	8/02/2018	[10144] STANDARD INSURANCE-Invoices 2018-13, 2018-14, Jul 18	1,370.48	0.00	275,128.14
0007524	8/02/2018	[10266] BARBARA J STANTON-Attendance Governing Board Personnel Committee Meeting Tuesday July 31, 2018.	108.72	0.00	275,019.42
0007525	8/02/2018	[10145] STAPLES INC-Office Supplies	27.94	0.00	274,991.48
0007526	8/02/2018	[15031] THOMAS SCIENTIFIC-AM Equipment Cleaning supplies	40.65	0.00	274,950.83
0007527	8/02/2018	[15095] TWENTYNINE PALMS CHAMBER OF COMMERCE-cost to join the Twentynine Palms Chamber of Commerce.	300.00	0.00	274,650.83
0007528	8/02/2018	[10161] UNITED WAY DESERT COMMUNITIES-Pay Period 16/2018 - UnitedWay	4.00	0.00	274,646.83
0007529	8/02/2018	[14323] VSP-Invoices 2018-14, 2018-15, Jul18	738.78	0.00	273,908.05
0007530	8/02/2018	[15093] YUCCA VALLEY CHAMBER OF COMMERCE-Price for MDAQMD membership and engraved plaque for the Yucca Valley Chamber of Commerce	495.00	0.00	273,413.05
0007531	8/02/2018	[14215] MICHELLE ZUMWALT-EPA - Air Sensors 2018 - Deliberating Performance Targets Workshop	826.75	0.00	272,586.30
0000002	8/02/2018	Credit Card Transactions - Blythe Energy	0.00	548.00	271,080.80
0000002	8/06/2018	Credit Card Transaction - Circle K Stores	0.00	274.00	271,354.80

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0000002	8/06/2018	Credit Card Transactions - Pacific Environmental	0.00	550.08	271,904.88
BP0818	8/06/2018	401 (a) Contribution BP Aug 18	987.50	0.00	270,917.38
Aug 18	8/07/2018	[10047] COLONIAL INSURANCE-Insurance Premium	806.39	0.00	270,110.99
7669932	8/07/2018	Wage Works FSA Claim	70.20	0.00	270,040.79
7688335	8/07/2018	Wage Works FSA Claim	259.00	0.00	269,781.79
0000002	8/08/2018	Credit Card Transaction - EPOD	0.00	562.92	270,344.71
7694343	8/08/2018	Wage Works FSA Claim	15.00	0.00	270,329.71
0007532	8/09/2018	[10006] AIR & WASTE MANAGEMENT ASSOCIATION-2018 A&WMA dues for Alan De Salvio	98.00	0.00	270,231.71
0007533	8/09/2018	[10057] ALLIED ADMIN-Invoices 2018-15, 2018-16	2,146.86	0.00	268,084.85
0007534	8/09/2018	[15040] CINTAS-AED Service	27.91	0.00	268,056.94
0007535	8/09/2018	[10077] HIGH DESERT EMPLOYER ADVISORY COUNCIL-Organization dues for annual HDEAC renewal - R. Simpson	60.00	0.00	267,996.94
0007536	8/09/2018	[15099] MERIAM PROCESS TECHNOLOGIES-Portable Absolute Manometer - Calibrator	2,005.00	0.00	265,991.94
EFT	8/09/2018	[10093] MET ONE INSTRUMENTS-Sonic Weather Station for Lancaster Station	2,549.18	0.00	265,991.94
0007537	8/09/2018	[10114] RAINBOW BUILDING MAINTENANCE-Janitorial services July 2018	2,346.00	0.00	263,645.94
0007538	8/09/2018	[10137] SOUTHWEST GAS CORP-Gas Service	29.19	0.00	263,616.75
0007539	8/09/2018	[10179] WOLTERS KLUWER LAW & BUSINESS-Annual Benefits and Comp Guide	587.24	0.00	263,029.51
0000002	8/09/2018	Credit Card Transaction - Lotus Cleaners	0.00	307.63	260,787.96
0000002	8/10/2018	Credit Card Transactions - Walmart & High Caliber Organics	0.00	578.98	261,366.94
0000002	8/13/2018	Credit Card Transactions - Amazing Healing	0.00	548.00	261,914.94
0007540	8/14/2018	[10200] MOJAVE DESERT AQMD - FUND CUSTODIAN ALAN DE SALVIO-Petty Cash Reimbursement	185.67	0.00	261,729.27
7717310	8/14/2018	Wage Works FSA Claim	254.00	0.00	261,475.27
EFT	8/15/2018	Pay period ending 8/03/2018	110,087.78	0.00	151,387.49
0000002	8/15/2018	Credit Card Transaction - United Furniture Industries	0.00	274.00	151,661.49
0007541	8/16/2018	[10007] AIR TECH SERVICES-Invoices 3936, 3939	1,606.30	0.00	150,055.19
0007542	8/16/2018	[10013] AT & T-ComplaintLine Charges	40.27	0.00	150,014.92
EFT	8/16/2018	[10017] BEST BEST & KRIEGER LLP-Legal services July 18	2,752.90	0.00	150,014.92
0007543	8/16/2018	[10031] CDW - G-Laptop - L. Cole	1,346.61	0.00	148,668.31
0007544	8/16/2018	[10031] CDW - G-Purchase 3 years Antivirus	1,667.82	0.00	147,000.49
0007545	8/16/2018	[00001] CEMEX CONSTRUCTION MATERIALS PACIFIC LLC-Refund: 41969	274.00	0.00	146,726.49
0007546	8/16/2018	[15028] FEDAK & BROWN LLP-Invoices 073118, 073118	2,400.00	0.00	144,326.49
EFT	8/16/2018	[10171] GRANICUS-Web hosting AUG 18 - Jul 19	7,770.00	0.00	144,326.49
0007547	8/16/2018	[10263] IN SHAPE HEALTH CLUBS INC-Pay Period 17/2018 - GymDed	250.79	0.00	144,075.70
0007548	8/16/2018	[10245] JONES ELECTRIC-EV Charger Service Call	75.00	0.00	144,000.70
EFT	8/16/2018	[10200] MOJAVE DESERT AQMD-Pay Period 17/2018 - FSADed	570.83	0.00	144,000.70
EFT	8/16/2018	[14256] BRAD A POIRIEZ-CAPCOA Board Meeting.	128.00	0.00	144,000.70
0007549	8/16/2018	[02362] RANCHERO ROAD INC-Refund: Exempt from Hot Spot Fee	70.00	0.00	143,930.70
0007550	8/16/2018	[14243] ORLANDO SALINAS DE LA ROSA-SBVC - Spring 2018	216.00	0.00	143,714.70
0007551	8/16/2018	[10126] SBCERA-Pay Period 17/2018 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	78,349.13	0.00	65,365.57

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0007552	8/16/2018	[10213] SBPEA-Pay Period 17/2018 - GeneralUnitDues	509.73	0.00	64,855.84
0007553	8/16/2018	[15001] SBPIS-Pay Period 17/2018 - GeneralUnitMisc	107.00	0.00	64,748.84
0007554	8/16/2018	[10136] SOUTHERN CALIF EDISON-Electric service	3,383.79	0.00	61,365.05
0007555	8/16/2018	[10148] STRATEGIC PARTNERS GROUP-Legislative services	2,100.00	0.00	59,265.05
0007556	8/16/2018	[10152] THE SUN-Subscription FY 19	325.25	0.00	58,939.80
0007557	8/16/2018	[15031] THOMAS SCIENTIFIC-Glove box holder	24.55	0.00	58,915.25
0007558	8/16/2018	[10161] UNITED WAY DESERT COMMUNITIES-Pay Period 17/2018 - UnitedWay	4.00	0.00	58,911.25
0007559	8/16/2018	[10166] VERIZON BUSINESS-VOIP and Internet Service	1,202.04	0.00	57,709.21
0007560	8/16/2018	[10165] VERIZON CONFERENCING-TC Service	41.14	0.00	57,668.07
EFT	8/16/2018	[10173] VOYAGER FLEET SERVICE-Fuel Card Charges	1,652.62	0.00	57,668.07
PP17/18	8/16/2018	[10082] VOYA FINANCIAL (457)-457 Reduction	8,898.60	0.00	35,895.12
PP16/18	8/16/2018	[14296] INTERNAL REVENUE SERVICE-PP16/18 - FITW, FICA, Med	17,630.62	0.00	18,264.50
PP15/18	8/16/2018	[14296] INTERNAL REVENUE SERVICE-PP15/18 - FITW, FICA Med	17,799.32	0.00	465.18
PP15/18	8/16/2018	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP15/18 - CA SWT	5,222.08	0.00	-4,756.90
PP16/18	8/16/2018	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP16/18	5,153.94	0.00	-9,910.84
0007661	8/16/2018	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP17/18 - CA SWT	4,487.53	0.00	-14,398.37
2019002	8/17/2018	Op Fund Rep # 2	0.00	506,141.72	491,743.35
PP17/18	8/17/2018	[14296] INTERNAL REVENUE SERVICE-PP17/18 FICA, FITW, Med	16,107.69	0.00	475,635.66
PP17/18	8/17/2018	[14296] INTERNAL REVENUE SERVICE-PP 17/18 - 3rd party sick	122.80	0.00	475,512.86
PP15/18	8/17/2018	[14296] INTERNAL REVENUE SERVICE-PP 15/18 - 3rd party sick	64.51	0.00	475,448.35
PP16/18	8/17/2018	[14296] INTERNAL REVENUE SERVICE-PP16/18 - 3rd party Sick	159.20	0.00	475,289.15
UI 2018	8/17/2018	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-2nd Qrtr 18 UI	5,400.00	0.00	469,889.15
0000002	8/20/2018	Credit Card Transaction - Sensational Healing	0.00	274.00	470,163.15
0000002	8/20/2018	Credit Card Transaction - Helendale CSD	0.00	274.00	470,437.15
0000002	8/20/2018	Credit Card Transaction - Gama Contracting	0.00	552.16	470,989.31
0007562	8/23/2018	[10021] CAL PUBLIC EMP RETIREMENT SYSTEM-Invoices 100000015399110, 2018-15, 2018-16	39,886.61	0.00	431,102.70
0007563	8/23/2018	[10031] CDW - G-Laptop - L. Cole	238.76	0.00	430,863.94
0007564	8/23/2018	[10045] CIVIC CENTER CAR WASH-Vehicle washes May through Aug 16,2018	287.84	0.00	430,576.10
EFT	8/23/2018	[10065] ENTERPRISE FLEET MANAGEMENT-Fleet Maintenance	3,038.05	0.00	430,576.10
0007565	8/23/2018	[10086] KELLY PAPER COMPANY-Copy Paper	493.23	0.00	430,082.87
0007566	8/23/2018	[10089] LEARN CPR 4 LIFE-CPR & AED Training	650.00	0.00	429,432.87
0007567	8/23/2018	[10096] MOJAVE ENVIRONMENTAL EDUCATION CONSORTIUM-FY 19 Diamond Level Sponsorship	90,000.00	0.00	339,432.87
0007568	8/23/2018	[10094] MOJAVE PRINTING SOLUTIONS-Blown up 25-year logo display for lobby display	47.40	0.00	339,385.47
0007569	8/23/2018	[14218] ROSEANA NAVARRO-BRASINGTON-supplies reimbursement	44.87	0.00	339,340.60
0007570	8/23/2018	[15046] RYAN ORR-\$15 cash payment for parking in Downtown Los Angeles for SCAG Environmental Justice Working Group on 08/09 (Athena Parking)	15.00	0.00	339,325.60
0007571	8/23/2018	[10145] STAPLES INC-Office Supplies	1,035.92	0.00	338,289.68
0007572	8/23/2018	[10150] THE COUNSELING TEAM-EAP Hours July 18	120.00	0.00	338,169.68
0007573	8/23/2018	[10174] WEST GROUP-Info Subscription Charges	773.54	0.00	337,396.14
EFT	8/29/2018	Pay period ending 8/17/2018	98,625.18	0.00	235,732.91

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0000002	8/29/2018	Credit Card Transactions - Enkay Engineering	0.00	1,100.16	236,833.07
#3042	8/29/2018	[10071] BUSINESS CARD-#3042 - Aug 18	214.12	0.00	236,618.95
#7885	8/29/2018	[10071] BUSINESS CARD-#7885 - Aug 18	223.30	0.00	236,395.65
#0357	8/29/2018	[10071] BUSINESS CARD-#0357 - Aug 18	442.34	0.00	235,953.31
#8110	8/29/2018	[10071] BUSINESS CARD-#8110 - Aug 18	1,114.65	0.00	234,838.66
#6210	8/29/2018	[10071] BUSINESS CARD-#6210 - Aug 18	1,779.11	0.00	233,059.55
#6232	8/29/2018	[10071] BUSINESS CARD-#6232 - Aug 18	1,803.80	0.00	231,255.75
#4837	8/29/2018	[10071] BUSINESS CARD-#4837 - Aug 18	3,730.96	0.00	227,524.79
7790779	8/29/2018	Wage Works FSA Claim	12.26	0.00	227,512.53
0007574	8/30/2018	[14273] CAMARGO, EDGAR RUBEN-Attendance Governing Board Meeting Monday, August 27, 2018.	116.35	0.00	227,396.18
0007575	8/30/2018	[15040] CINTAS-AED Service Aug 18	27.91	0.00	227,368.27
EFT	8/30/2018	[14304] JOHN E COLE-Attendance Governing Board Meeting Monday, August 27, 2018.	200.83	0.00	227,368.27
0007576	8/30/2018	[10228] JAMES L COX-Attendance Governing Board Meeting Monday, August 27, 2018.	100.00	0.00	227,268.27
0007577	8/30/2018	[15048] JEREMY CRAIG-CARB Training FP107 - Industrial and Utility Boilers: Natural Gas Fired.	144.00	0.00	227,124.27
0007578	8/30/2018	[10222] JOSEPH DE CONINCK-Attendance Governing Board Meeting Monday, August 27, 2018.	100.00	0.00	227,024.27
0007579	8/30/2018	[14317] HATTRIX-25-year logo hat for board member from Hattrix	25.00	0.00	226,999.27
0007580	8/30/2018	[15047] KEVIN HENDRAWAN-CARB Control Technology Classes PS101-PS103	291.30	0.00	226,707.97
0007581	8/30/2018	[10229] CARMEN HERNANDEZ-Attendance Governing Board Meeting Monday, August 27, 2018.	137.61	0.00	226,570.36
0007582	8/30/2018	[10088] HI DESERT GARDENS INC-Landscape Maintenance Aug 18	280.00	0.00	226,290.36
0007583	8/30/2018	[10076] HI DESERT WINDOW WASHING-Window washing service Aug 18	200.00	0.00	226,090.36
0007584	8/30/2018	[10239] HIGH DESERT OPPORTUNITY-Silver sponsorship (including booth space) for the 2018 High Desert Opportunity.	2,500.00	0.00	223,590.36
0007585	8/30/2018	[10263] IN SHAPE HEALTH CLUBS INC-Pay Period 18/2018 - GymDed	250.79	0.00	223,339.57
0007586	8/30/2018	[14257] ROBERT J LEONE-Attendance Governing Board Meeting Monday, August 27, 2018.	182.84	0.00	223,156.73
0007587	8/30/2018	[10224] ROBERT LOVINGOOD-Attendance Governing Board Meeting Monday, August 27, 2018.	100.00	0.00	223,056.73
0007588	8/30/2018	[10094] MOJAVE PRINTING SOLUTIONS-Invoices 2352, 2431	199.21	0.00	222,857.52
0007589	8/30/2018	[14218] ROSEANA NAVARRO-BRASINGTON-supplies reimbursement	57.10	0.00	222,800.42
0007590	8/30/2018	[10244] PAUL'S PRECISION MAINTENANCE-Monthly Maintenance Contract August 18	1,500.00	0.00	221,300.42
0007591	8/30/2018	[15025] V MANUEL PEREZ-Attendance Governing Board Meeting Monday, August 27, 2018.	100.00	0.00	221,200.42
EFT	8/30/2018	[14256] BRAD A POIRIEZ-Meeting expense Governing Board meeting August 27, 2018.	19.94	0.00	221,200.42
0007592	8/30/2018	[10129] PRAXAIR DISTRIBUTION INC-Cylinder Rental Aug 2018	72.00	0.00	221,128.42

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0007593	8/30/2018	[15050] RICOH USA INC-Copy Charges	180.68	0.00	220,947.74
0007594	8/30/2018	[10223] BARBARA RIORDAN-Attendance Governing Board Meeting Monday, August 27, 2018.	152.32	0.00	220,795.42
0007595	8/30/2018	[10126] SBCERA-Pay Period 18/2018 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	65,499.56	0.00	155,295.86
0007596	8/30/2018	[10213] SBPEA-Pay Period 18/2018 - GeneralUnitDues	510.66	0.00	154,785.20
0007597	8/30/2018	[15001] SBPIS-Pay Period 18/2018 - GeneralUnitMisc	107.00	0.00	154,678.20
0007598	8/30/2018	[10144] STANDARD INSURANCE-Invoices 2018-15, 2018-16, SI081918	1,350.38	0.00	153,327.82
0007599	8/30/2018	[10161] UNITED WAY DESERT COMMUNITIES-Pay Period 18/2018 - UnitedWay	4.00	0.00	153,323.82
0007600	8/30/2018	[14323] VSP-Invoices 2018-16, 2018-17, Sept18	738.78	0.00	152,585.04
0007601	8/30/2018	[10179] WOLTERS KLUWER LAW & BUSINESS-Benefits Compliance Guide mid year	392.64	0.00	152,192.40
2019003	8/30/2018	Op Fund Rep #3	0.00	310,797.30	462,768.93
	8/30/2018	[10082] VOYA FINANCIAL (457)-PP 18/18 457 reduction	8,861.84	0.00	453,907.09
0000002	8/31/2018	Credit Card Transaction - Shazzam Farms	0.00	274.00	454,181.09
Sept 18	8/31/2018	[10047] COLONIAL INSURANCE-insurance Premium	1,443.54	0.00	452,737.55
Total for Report:			872,667.05	823,056.95	

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General Fund MPA

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
20130955	8/02/2018	Daily Deposit	0.00	9,533.34	1,076,536.56
0000002	8/06/2018	SBCo ACH - MDAQMD	0.00	570.83	1,077,107.39
20130956	8/07/2018	Daily Deposit	0.00	1,054,713.98	2,131,821.37
2019002	8/08/2018	Transfer AB2766 - June 2018	56,329.26	0.00	2,075,492.11
20130957	8/09/2018	Daily Deposit	0.00	13,087.41	2,088,579.52
0000002	8/10/2018	SBCo ACH - US ARMY	0.00	5,000.00	2,093,579.52
20130958	8/14/2018	Daily Deposit	0.00	158,148.68	2,251,728.20
0000002	8/16/2018	SBCo ACH - Mojave National Preserve	0.00	1,000.00	2,252,728.20
20130959	8/17/2018	Daily Deposit	0.00	107,953.75	2,360,681.95
2019002	8/17/2018	Op Fund Rep # 2	506,141.72	0.00	1,854,540.23
0000002	8/21/2018	Daily Deposit	0.00	589,290.33	2,443,830.56
0000002	8/23/2018	Daily Deposit	0.00	476,873.20	2,920,703.76
0000002	8/24/2018	SBCo ACH - MDAQMD	0.00	570.83	2,921,274.59
0000002	8/24/2018	Unauthorized Deposit from Coban/Trona Shell	0.00	594.36	2,921,868.95
0000002	8/27/2018	SBCo ACH - Federal Bureau of Prisons	0.00	29,828.02	2,951,696.97
0000002	8/28/2018	Daily Deposit	0.00	51,925.37	3,003,622.34
0000002	8/30/2018	Daily Deposit	0.00	24,262.45	3,027,884.79
2019003	8/30/2018	Op Fund Rep #3	310,797.30	0.00	2,717,087.49
0000002	8/31/2018	Daily Deposit	0.00	18,493.29	2,735,580.78
Total for Report:			873,268.28	2,541,845.84	

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AB2766 MPE

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2019002	8/08/2018	Transfer AB2766 - June 2018	0.00	56,329.26	1,729,155.00
Total for Report:			0.00	56,329.26	

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WF AB2766

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0003012	8/16/2018	[10240] ENVIRONMENTAL ENGINEERING STUDIES-AB2766 Grant	2,026.84	0.00	1,340,232.19
0003013	8/16/2018	[10200] MOJAVE DESERT AQMD-Permit Fee for Inv MD 8599, MD8986 & MD8968 paid to the wrong bank account - should be General Fund	1,637.21	0.00	1,338,594.98
0000002	8/27/2018	Permit Fee for Inv MD9384 paid to the wrong bank account - should be General Fund	0.00	307.63	1,338,902.61
0003014	8/30/2018	[01786] VICTOR VALLEY TRANSIT AUTHORITY-AB2766 Grant	17,358.00	0.00	1,321,544.61
Total for Report:			21,022.05	307.63	

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Bank Register from 8/01/2018 to 8/31/2018
WF Carl Moyer

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	8/01/2018	Interest Earned	0.00	729.26	482,140.94
0001001	8/30/2018	[10222] JOSEPH DE CONINCK-Moyer Grant	121,205.00	0.00	360,935.94
Total for Report:			121,205.00	729.26	

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Clean Air Fund

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0001002	8/30/2018	[14339] VICTOR VALLEY COLLEGE FOUNDATION-Cost of Membership to President's Circle for Executive Director Brad Poiriez	1,000.00	0.00	151,871.37
	8/31/2018	Interest Earned	0.00	32.85	151,904.22
Total for Report:			1,000.00	32.85	

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PARS TRUST - OPEB

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<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	8/01/2018	Service Charge	116.56	0.00	621,545.82
	8/01/2018	Interest Earned	0.00	9,174.47	630,720.29
Total for Report:			116.56	9,174.47	

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PARS TRUST - PENSION

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<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	8/01/2018	Service Charge	123.94	0.00	660,902.25
	8/01/2018	Interest Earned	0.00	6,291.94	667,194.19
Total for Report:			123.94	6,291.94	

The following page(s) contain the backup material for Agenda Item: [Receive and file the Legislative Report for October 5, 2018. Presenter: Brad Poiriez, Executive Director/APCO.](#)

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #12

DATE: October 22, 2018

RECOMMENDATION: Receive and file the Legislative Report for October 5, 2018.

SUMMARY: The Legislative Report for October 5, 2018.

CONFLICT OF INTEREST: None

BACKGROUND: Legislative actions proposed at the federal and state level have the potential to impact the implementation of the District's mission as well as its regulatory operations. An important tool for the District is to monitor the flood of information and its status which allows for comment early in the process and preparation for any changes that may be required. The District contracts this service and receives periodic reports with summaries to help sort the pertinent legislative proposals.

Strategic Partners Group (SPG) is the consultant to the District providing this service to monitor certain legislative and regulatory activities at the state and local level. Staff will direct questions to SPG regarding any of the material presented or follow up on any matter of interest to the Governing Board. Following the table of proposed legislation are several Articles of Interest of relevant information.

REASON FOR RECOMMENDATION: This item is provided for information subject to direction of the Governing Board.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel, as to legal form and by Brad Poiriez, Executive Director, on or about October 9, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director

FRANK T. SHEETS, III
LAURIE HANSEN SHEETS

MEMORANDUM

TO: Brad Poiriez

**FROM: Frank Sheets
Laurie Hansen**

DATE: October 6, 2018

Strategic Partners Group is please to provide the District our latest legislative report. September 30 was the deadline for Governor Brown to sign, veto, or allow bills to become law without his signature. As such, the bill list provided below represents the final list of bills Strategic Partners Group has been tracking for the District for the 2017-2018 session. The 2019-2020 legislative session will begin in December when the new Legislators elected in November are sworn in. In January bills will begin to be introduced again.

The list below includes twenty measures, three of which were vetoed while the remaining are soon to become law in California. We are of the opinion that most of the measures are only of interest and will have insignificant impact on District responsibilities, however we would like highlight a just a few.

We still find AB 1933 interesting. Although the bill focuses on Cal Recycle efforts to manage organic wastes and the agency's obligations to achieve the state's recycling goals by 2020, the bill still calls for the recycling of food wastes for human consumption. We will find it interesting to see how the state intends to implement this program.

AB 2006 does call for additional Air District responsibilities, but it focuses mainly on agricultural areas and therefore most likely will have minimum impact on MDAQMD. Although AB 2068 is an "evaluation" bill, it will be of interest to listen to utility responses to suggestions to reduce school utility rates. AB 2195 may require additional District responsibilities associated with natural gas operations and AB 2453 may also increase District responsibilities in areas with specific air quality issues. We are also curious whether SB 1013 dealing with refrigerants may impact District responsibilities. Finally, we suspect SB 1502 may have some benefits for the District regarding notification requirements.

Soon, with the elections coming up in November, an era will pass with a new governor replacing Jerry Brown. We thought a little background on Jerry's veto rate would be of interest.

Brown has considered nearly 20,000 bills in his 16-year tenure as California's governor. When signing the final bill on his desk — Assembly Bill 237 — he hinted at his post-governorship plans.

In a signing statement, Brown wrote the alternative to the bill is worse, quoted Exodus 22:15, and offered his signature.

Oh, and he also left a brief note: "PS: And now onto the Promised Land—Colusa County!"

VETO RATES

Brown cleared his desk Sunday night, having vetoed 201 of 1,217 regular session bills this year. His veto rate of 16.5 percent is a new high over the course of his 16-year tenure.

Still, Brown's veto rates have held fairly steady during his past two terms as governor, ranging from 12 percent to 16.5 percent:

2018: 16.5%
2017: 12.1%
2016: 15%
2015: 14.1%
2014: 13.3%
2013: 10.7ion %
2012: 12%
2011: 14.4%

During his first eight-year run, from 1975 to 1983, Brown vetoed 4.6 percent of regular session bills, [according to the Office of Senate Research](#). He set a historic low in 1982 when he vetoed just 30 bills — or 1.8 percent.

How will the next governor fair in this category? We have provided an article below for some projections.

Also in the “Articles of Interest” section, we invite you to note Dan Walters comments in his article “**The high cost of a zero-emission California**” forecasting the implications of a 100% renewable program in California by 2045. And we also draw your attention to the article dealing with anticipated rising transportation fuel costs in California resulting in CARB's recent adoption of more aggressive low carbon fuel standards. We also feel the article dealing with “Outsourced Pollution” merits careful reading. The concept of Carbon Leakage has been a major issue with California manufacturers as they continue deal with the ongoing carbon program in the state.

As always, it is our pleasure to provide the District updates as far as to Sacramento issues. And again, if there are questions, please feel free to reach out to us at your convenience.

MDAQMD bills 2018

10/5/2018

[AB 1775](#)

([Muratsuchi D](#)) *State lands: leasing: oil and gas.*

Current Analysis: 08/28/2018 [Assembly Floor Analysis \(text 8/24/2018\)](#)

Introduced: 1/4/2018

Last Amend: 8/24/2018

Status: 9/8/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 310, Statutes of 2018.

Location: 9/8/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would prohibit the State Lands Commission or a local trustee, as defined, of granted public trust lands from entering into any new lease or other conveyance authorizing new construction of oil- and gas-related

infrastructure upon tidelands and submerged lands within state waters associated with Pacific Outer Continental Shelf leases issued after January 1, 2018. The bill would require the commission or a local trustee when approving or disapproving any lease renewal, extension, amendment, or modification authorizing new construction of oil- and gas-related infrastructure upon tidelands and submerged lands within state waters associated with Pacific Outer Continental Shelf leases issued after January 1, 2018, to follow a specified process.

[AB 1933](#)

([Maienschein R](#)) Greenhouse Gas Reduction Fund: recycling infrastructure projects.

Current Analysis: 08/15/2018 [Assembly Floor Analysis \(text 6/25/2018\)](#)

Introduced: 1/24/2018

Last Amend: 6/25/2018

Status: 9/27/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 808, Statutes of 2018.

Location: 9/27/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Department of Resources Recycling and Recovery, with additional moneys from the Greenhouse Gas Reduction Fund that may be appropriated to the department, to administer a grant program to provide financial assistance, in the form of grants, incentive payments, contracts, or other funding mechanisms, to reduce emissions of greenhouse gases by promoting the in-state development of infrastructure, food waste prevention, or other projects to reduce organic waste or to process organic and other recyclable materials into new value-added products. Current law specifies eligible uses that qualify for in-state infrastructure projects or other projects that reduce emissions of greenhouse gases as part of these funding mechanisms. This bill would additionally specify as an eligible use for in-state infrastructure projects or other projects that reduce emissions of greenhouse gases activities that expand and improve waste diversion and recycling, including the recovery of food for human consumption and food waste prevention.

Notes 1: Although the bill focuses mainly on revising Cal Recycle's grant programs associated with recycling, the bill still refers to the recycling of food wastes for human consumption. It will be interesting to see how this condition of the bill is implemented.

[AB 1945](#)

([Garcia, Eduardo D](#)) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan.

Current Analysis: 08/30/2018 [Assembly Floor Analysis \(text 8/24/2018\)](#)

Introduced: 1/29/2018

Last Amend: 8/24/2018

Status: 9/27/2018-Vetoed by Governor.

Location: 9/27/2018-A. VETOED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, beginning July 1, 2019, require state agencies administering competitive grant programs that allocate moneys from the Greenhouse Gas Reduction Fund to give specified communities preferential points during grant application scoring for programs intended to improve air quality and to include a specified application timeline and to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications.

Governor's Message: To the Members of the California State Assembly: I am returning Assembly Bill 1945 without my signature. This bill creates requirements that would apply to a broad range of climate change competitive grant programs, including criteria to prioritize certain communities and projects over others. The general goals of this bill have merit but would be better achieved through the budget process. Sincerely, Edmund G. Brown Jr.

[AB 1981](#)

([Limón D](#)) Organic waste: composting.

Current Analysis: 08/28/2018 [Assembly Floor Analysis \(text 8/21/2018\)](#)

Introduced: 1/31/2018

Last Amend: 8/21/2018

Status: 9/21/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 633, Statutes of 2018.

Location: 9/21/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires, until January 1, 2021, the California Environmental Protection Agency, in coordination with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, the State Air Resources Board, and the Department of Food and Agriculture, to develop and implement policies to aid

in diverting organic waste from landfills by promoting the composting of specified organic waste and by promoting the appropriate use of that compost throughout the state. This bill would revise and recast this and related provisions, including, among other changes, imposing additional duties on those state agencies relating to promoting the application of compost and additionally including the Department of Forestry and Fire Protection in the state agencies in coordination with which the California Environmental Protection Agency is required to develop and implement the above-specified policies.

AB 2006

(Eggman D) Charge Ahead California Initiative: agricultural worker vanpool programs.

Current Analysis: 08/15/2018 [Assembly Floor Analysis \(text 8/6/2018\)](#)

Introduced: 2/1/2018

Last Amend: 8/6/2018

Status: 9/13/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 364, Statutes of 2018.

Location: 9/14/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the State Air Resources Board, in consultation with the State Energy Resources Conservation and Development Commission, air pollution control and air quality management districts, and the public, to require existing agricultural vanpool programs to serve disadvantaged communities, as defined, and low-income communities, as defined, and to allocate a minimum of 25% of the moneys appropriated for agricultural vanpool programs to those programs servicing low-income communities.

Notes 1: Although the bill calls for additional Ari District responsibilities, we believe MDAQMD will not be significantly impacted in that it deals with mainly with agricultural areas within the state.

AB 2068

(Chu D) Electricity: rates: public schools.

Current Analysis: 08/08/2018 [Senate Floor Analyses \(text 4/25/2018\)](#)

Introduced: 2/7/2018

Last Amend: 4/25/2018

Status: 8/27/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 208, Statutes of 2018.

Location: 8/28/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Public Utilities Commission to direct all electrical and gas corporations to evaluate, and report findings to the commission on, the feasibility and economic impacts of establishing a public school electric and gas rate that would reflect a discount from the current rate structure. This bill would require the commission to compile these reports and submit this compilation to the Legislature, by January 1, 2020. Because a violation of the commission's directions would be a crime, this bill would impose a state-mandated local program.

AB 2091

(Grayson D) Fire prevention: prescribed burns: insurance pool.

Current Analysis: 08/30/2018 [Assembly Floor Analysis \(text 8/24/2018\)](#)

Introduced: 2/7/2018

Last Amend: 8/24/2018

Status: 9/21/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 634, Statutes of 2018.

Location: 9/21/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would express the intent of the Legislature to enact legislation to increase the pace and scale of the use of prescribed fire and to reduce barriers for conducting prescribed burns. The bill would require the Forest Management Task Force or its successor entity, on or before January 1, 2020, and in coordination with the Department of Insurance, to develop recommendations for the implementation of an insurance pool or other mechanism for prescribed burn managers that reduces the cost of conducting prescribed fire while maintaining adequate liability protection for lives and property when conducting prescribed burns.

AB 2127

(Ting D) Electric vehicle charging infrastructure: assessment.

Current Analysis: 08/18/2018 [Senate Floor Analyses \(text 4/16/2018\)](#)

Introduced: 2/8/2018

Last Amend: 4/16/2018

Status: 9/13/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 365, Statutes of 2018.

Location: 9/14/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would require the Energy Commission, working with the State Air Resources Board and the PUC, to prepare and biennially update a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5 million zero-emission vehicles on California roads by 2030 and of reducing emissions of greenhouse gases to 40% below 1990 levels by 2030. The bill would require the Energy Commission to regularly seek data and input from stakeholders relating to electric vehicle charging infrastructure.

AB 2145

(Reyes D) Vehicular air pollution.

Current Analysis: 08/28/2018 [Assembly Floor Analysis \(text 8/23/2018\)](#)

Introduced: 2/12/2018

Last Amend: 8/23/2018

Status: 9/22/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 672, Statutes of 2018.

Location: 9/22/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would add as eligible projects for the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program those projects that support grid integration and integrated storage solutions and charging management demonstration and analytics. The bill would additionally require the energy commission, as part of the guidance developed for the program, to advise the State Air Resources Board on to how to allocate moneys for vehicle charging infrastructure consistent with the energy commission's investment plan strategies on charging infrastructure that is part of the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007.

AB 2195

(Chau D) Natural gas: out-of-state sources: greenhouse gases.

Current Analysis: 08/20/2018 [Assembly Floor Analysis \(text 6/25/2018\)](#)

Introduced: 2/12/2018

Last Amend: 6/25/2018

Status: 9/13/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 371, Statutes of 2018.

Location: 9/14/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would, beginning January 1, 2020, additionally require the State Air Resources Board to quantify and publish annually the amount of greenhouse gas emissions resulting from the loss or release of uncombusted natural gas to the atmosphere and emissions from natural gas flares during all processes associated with the production, processing, and transporting of natural gas imported into the state from out-of-state sources.

AB 2346

(Quirk D) Public utilities: rates: wildfire expense memorandum accounts.

Current Analysis: 08/30/2018 [Assembly Utilities And Energy \(text 8/22/2018\)](#)

Introduced: 2/13/2018

Last Amend: 8/22/2018

Status: 9/21/2018-Vetoed by Governor.

Location: 9/21/2018-A. VETOED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would require the Public Utilities Commission to authorize an electrical corporation, upon request, to establish a wildfire expense memorandum account for incremental unreimbursed costs relating to California wildfires that occur on or after January 1, 2015, and to record certain costs in those accounts. The bill would require the recovery in rates of those costs to be subject to review by, and the determination of, the commission, as specified. The bill would require an electrical corporation to notify the commission by letter within 30 days after the electrical corporation begins recording costs in its wildfire expense memorandum account.

Governor's Message: To the Members of the California State Assembly: I am returning Assembly Bill 2346 without my signature. This bill directs the California Public Utilities Commission to authorize memorandum accounts for electric corporations to track costs related to wildfires occurring after January 1, 2015. The bill also specifies the types of costs that can be tracked in the accounts. I recently signed SB 901, which, among other things, establishes rules for tracking and recovering costs for both wildfire mitigation activities and damages resulting from catastrophic

[AB 2381](#)

([Carrillo D](#)) Vehicles: emissions: certification, auditing, and compliance.

Current Analysis: 08/30/2018 [Assembly Floor Analysis \(text 8/24/2018\)](#)

Introduced: 2/14/2018

Last Amend: 8/24/2018

Status: 9/23/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 713, Statutes of 2018.

Location: 9/23/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the State Air Resources Board to enhance its certification, audit, and compliance activities for new motor vehicles to detect defeat devices or other software used to evade emissions testing, as specified. The bill would authorize the state board to impose a fee on the manufacturers of new motor vehicles to cover the state board's costs associated with the state board's certification, audit, and compliance activities, with those fees to be deposited in the Certification and Compliance Fund.

[AB 2447](#)

([Reyes D](#)) California Environmental Quality Act: land use: environmental justice.

Current Analysis: 08/30/2018 [Assembly Floor Analysis \(text 8/24/2018\)](#)

Introduced: 2/14/2018

Last Amend: 8/24/2018

Status: 9/30/2018-Vetoed by Governor.

Location: 9/30/2018-A. VETOED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, except as provided, require a lead agency that is preparing an EIR or a negative declaration to provide certain notices required by CEQA to owners and occupants of property located within 1/2 mile of any parcel or parcels, and to any schools located within one mile of any parcel or parcels, on which is located a project involving an industrial or equivalent land use, as defined, within a disadvantaged community or within 1/2 mile of a disadvantaged community.

Governor's Message: To the Members of the California State Assembly: I am returning Assembly Bill 2447 without my signature. This bill would expand notice and public meeting requirements under the California Environmental Quality Act for certain industrial projects in or near disadvantaged communities. Land use is quintessentially a local matter. I believe the notice and meeting requirements, as outlined in this bill, are too prescriptive. Disadvantaged communities are entitled to clear and adequate notice, but zones of notice and the definition of projects subject to the requirements should be flexibly defined to reflect the vast diversity of our state. Sincerely, Edmund G. Brown Jr.

[AB 2453](#)

([Garcia, Eduardo D](#)) Air pollution: schools.

Current Analysis: 08/27/2018 [Assembly Floor Analysis \(text 8/17/2018\)](#)

Introduced: 2/14/2018

Last Amend: 8/17/2018

Status: 9/23/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 714, Statutes of 2018.

Location: 9/23/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Leroy F. Greene School Facilities Act of 1998 requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for the construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. This bill would authorize a grant for modernization under the act to be used to limit pupil exposure to harmful air pollutants by updating air filtration systems and would specify that this is declaratory of existing law.

Notes 1: This bill may result in increased Air District responsibilities associated with the evaluation of air quality at schools located in areas determined to have a high cumulative exposure burden.

[AB 2885](#)

([Rodriguez D](#)) Air Quality Improvement Program: Clean Vehicle Rebate Project.

Current Analysis: 08/27/2018 [Assembly Floor Analysis \(text 8/21/2018\)](#)

Introduced: 2/16/2018

Last Amend: 8/21/2018

Status: 9/13/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 366, Statutes of 2018.

Location: 9/14/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would require the State Air Resources Board, for the purposes of the Clean Vehicle Rebate Project, to provide outreach to low-income households and low-income communities to increase consumer awareness of the rebate project and, until January 1, 2022, to prioritize rebate payments to low-income applicants.

[AB 3187](#)

([Grayson D](#)) Biomethane: gas corporations: rates: interconnection.

Current Analysis: 08/27/2018 [Assembly Floor Analysis \(text 8/21/2018\)](#)

Introduced: 2/16/2018

Last Amend: 8/21/2018

Status: 9/20/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 598, Statutes of 2018.

Location: 9/20/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law requires the Public Utilities Commission, before exhaustion of the funds available pursuant to the biomethane monetary incentive program, and before the expiration of the program, to consider options to promote the in-state production and distribution of biomethane. With respect to the requirement that the commission consider options to promote the in-state production and distribution of biomethane, including consideration of recovery in rates of the costs of investments for the 3 purposes as specified, the bill would additionally require the commission to open a proceeding to consider those options by no later than July 1, 2019.

[AB 3232](#)

([Friedman D](#)) Zero-emissions buildings and sources of heat energy.

Current Analysis: 08/23/2018 [Assembly Floor Analysis \(text 5/29/2018\)](#)

Introduced: 2/16/2018

Last Amend: 5/29/2018

Status: 9/13/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 373, Statutes of 2018.

Location: 9/14/2018-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would require the State Energy Resources Conservation and Development Commission, by January 1, 2021, to assess the potential for the state to reduce the emissions of greenhouse gases from the state's residential and commercial building stock by at least 40% below 1990 levels by January 1, 2030. The bill would require the commission to include in the 2021 edition of the integrated energy policy report and all subsequent integrated energy policy reports a report on the emissions of greenhouse gases associated with the supply of energy to residential and commercial buildings.

[SB 1013](#)

([Lara D](#)) Fluorinated refrigerants.

Current Analysis: 08/30/2018 [Senate Floor Analyses \(text 8/20/2018\)](#)

Introduced: 2/6/2018

Last Amend: 8/20/2018

Status: 9/13/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 375, Statutes of 2018.

Location: 9/14/2018-S. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law prohibits the manufacture and sale of specified chlorofluorocarbons (CFCs) as aerosol propellants, limits the percentage of new motor vehicles equipped with air-conditioners that utilize CFC-based products, requires the State Air Resources Board to adopt regulations to provide for the enforcement of those provisions, and imposes a civil penalty on persons violating those provisions. This bill would apply all prohibitions on the use of class I substances, as defined, class II substances, as defined, and substitutes, as defined, under the federal Clean Air Act, as it read on specified dates, except as specified.

Notes 1: This bill creates the Fluorinated Gases Emission Reduction Incentive Program intended to find new alternatives with less environmental impacts. The bill additionally enhances ARB regulatory authority over such substances. Will the new law require additional monitoring requirements for the District's?

[SB 1014](#)

([Skinner D](#)) California Clean Miles Standard and Incentive Program: zero-emission vehicles.

Current Analysis: 08/30/2018 [Senate Floor Analyses \(text 8/24/2018\)](#)

Introduced: 2/6/2018

Last Amend: 8/24/2018

Status: 9/13/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 369, Statutes of 2018.

Location: 9/14/2018-S. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the California Clean Miles Standard and Incentive Program, which would require, by January 1, 2020, that the State Air Resources Board establish a baseline for emissions of greenhouse gases for vehicles used on the online-enabled applications or platforms by transportation network companies on a per-passenger-mile basis, as provided. The bill would require, by January 1, 2021, that the state board establish, and the commission implement, annual targets and goals starting in 2023 for the reduction under that baseline for emissions of greenhouse gases per passenger-mile driven on behalf of a transportation network company.

[SB 1502](#)

(Committee on Environmental Quality) Nonvehicular air pollution.

Current Analysis: 06/08/2018 [Assembly Natural Resources \(text 4/23/2018\)](#)

Introduced: 3/8/2018

Last Amend: 4/23/2018

Status: 6/28/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 59, Statutes of 2018.

Location: 6/28/2018-S. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Currentlaw generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. This bill would authorize air districts to send electronically instead of by mail any required public notice. The bill would require air districts to send a public notice by mail to any person who has requested the notices to be sent by mail.

Notes 1: Apparently, as Chaptered, allows for greater flexibility in public notice procedures for State Air Districts.

Total Measures: 20

Total Tracking Forms: 20

Articles of Interest:

You've Heard of Outsourced Jobs, but Outsourced Pollution? It's Real, and Tough to Tally Up

By [Brad Plumer](#)

Sept. 4, 2018

Over the past decade, both the United States and Europe have made major strides in reducing their greenhouse gas emissions at home. That trend is often held up as a sign of progress in the fight against climate change.

But those efforts look a lot less impressive once you take trade into account. Many wealthy countries have effectively “outsourced” a big chunk of their carbon pollution overseas, by importing more steel, cement and other goods from factories in China and other places, rather than producing it domestically.

Britain, for instance, slashed domestic emissions within its own borders by one-third between 1990 and 2015. But it has done so as energy-intensive industries have migrated abroad. If you included all the global emissions produced in the course of making things like the imported steel used in London’s skyscrapers and cars, then Britain’s total carbon footprint has actually *increased* slightly over that time.

“It’s a huge problem,” said Ali Hasanbeigi, a research scientist and chief executive of Global Efficiency Intelligence, an energy and environmental consulting firm. “If a country is meeting its climate goals by outsourcing emissions elsewhere, then we’re not making as much progress as we thought.”

Dr. Hasanbeigi is an author of [a new report](#) on the global carbon trade, which estimates that 25 percent of the world’s total emissions are now being outsourced in this manner. The report, written with the consulting firm KGM & Associates and ClimateWorks, calls this a “carbon loophole,” since countries rarely scrutinize the carbon footprint of the goods they import. That may be changing. Last fall, California’s lawmakers took an early stab at confronting the issue by setting new low-carbon standards on the steel the state buys for its infrastructure projects. But dealing with imported emissions remains a thorny problem.

Some environmentalists see it as the next frontier of climate policy.

The new report, which analyzes global trade from 15,000 different sectors — from toys and office equipment to glass and aluminum — builds on [previous academic research](#) to provide one of the most detailed pictures yet of the global carbon trade.

Not surprisingly, China, which has become the world’s largest emitter of carbon dioxide, remains the world’s factory. About 13 percent of China’s emissions in 2015 came from making stuff for other countries. In India, another fast-growing emitter, the figure is 20 percent.

The United States, for its part, remains the world’s leading importer of what the researchers call “embodied carbon.” If the United States were held responsible for all the pollution worldwide that resulted from manufacturing the cars, clothing and other goods that Americans use, the nation’s carbon dioxide emissions would be 14 percent bigger than its domestic-only numbers suggest.

Between 1995 and 2015, the report found, as wealthier countries like Japan and Germany were cutting their own emissions, they were also doubling or tripling the amount of carbon dioxide they outsourced to China.

Under the Paris climate agreement, countries are held responsible only for the emissions produced within their own borders. Experts [have long debated](#) whether that makes sense. Is it unfair that China and India are blamed for emissions that occur because they’re making goods for richer nations? What about the fact that they also benefit from having those factories and jobs?

The migration of industries like cement and steel overseas can also shift production to less-efficient factories governed by looser pollution rules. An [earlier study](#) that Dr. Hasanbeigi led at Lawrence Berkeley National Laboratory found that China’s steel industry, on average, emits 23 percent more carbon dioxide per ton of steel produced than American and German manufacturers do. One big reason? China’s power grid relies more heavily on coal.

Since the financial crisis in 2008, however, the outsourcing of emissions from wealthy countries to developing countries has started to slow. More recently, much of the growth in carbon outsourcing is occurring between developing countries, according to [a recent study](#) in Nature Communications.

“Just as China’s starting to deal with its emissions, it’s been pushing some of its more carbon-intensive activities into countries like Cambodia, Vietnam and India,” said Steven J. Davis, a scientist at the University of California, Irvine and co-author of that study.

“From a climate policy context,” he added, “it’s like a game of whack-a-mole.”

One possible solution to all this emissions shifting would be for all countries to work together to enact a global carbon tax that applied equally everywhere. But in the real world, that is unlikely to happen anytime soon. And, while some politicians like President Emmanuel Macron of France have suggested that Europe put its own carbon tax [on imported products](#), that idea has not gained traction.

So some policymakers are exploring other ideas.

Last October, California enacted [a new “Buy Clean” law](#) that requires steel, glass and other materials used in public works projects to meet certain low-carbon standards. The law came after a controversy over the refurbishing of San Francisco’s Bay Bridge, when the state bought steel from a heavily polluting Chinese mill instead of from cleaner facilities in California and Oregon.

California’s new law may initially favor domestic producers — which helps explain why it was supported by some steel companies and the United Steelworkers. And in the long term, environmentalists hope the policy could have a ripple effect worldwide.

“California can’t go regulate factories in other parts of the world,” said Kathryn Phillips, director of the Sierra Club’s California chapter. “But we can say, if you want to do business with us, the world’s fifth-largest economy, you have to do what you can to reduce emissions.”

Lawmakers in Washington State recently requested a study of “Buy Clean” standards for their state, and a similar bill was introduced in Oregon’s last legislative session. But the idea can be contentious: In California, the cement industry fought hard to be exempted from the rule. Steel and cement production worldwide each account for about 5 percent of global emissions.

The construction industry is also starting to take an interest in the carbon footprint of the materials it uses. The U.S. Green Building Council, a nonprofit that certifies buildings as “green” under the LEED label, currently encourages environmental disclosures for a variety of building materials like cement or glass. A new round of LEED standards, currently in development, could go even further by urging low-carbon standards.

Chris Erickson, the chief executive of Climate Earth, a firm that helps companies assess the environmental impact of their supply chains, says that even transparency can be eye-opening. His company built a searchable database of different concrete mixes that are available, allowing architects to seek out materials that have, in some cases, a carbon footprint that is one-third of the industry average.

That, in turn, could put pressure on suppliers to lower their emissions. “Even for companies who don’t want to admit it,” Mr. Erickson said, “they know a change is coming.”

Gov. Jerry Brown, Michael Bloomberg Challenge Trump Administration On Climate Change, Paris Climate Agreement Goals

Ezra David Romero

Thursday, September 13, 2018

California Gov. Jerry Brown and former New York Mayor Michael Bloomberg want the United States to double its current greenhouse-gas emission reductions.

They issued their call on Thursday at Brown’s Global Climate Action Summit in San Francisco.

The Trump administration has vowed to pull the United States out of the Paris climate agreement.

“That’s a major assault on the well-being of the people of California, and America, and the world. It borders not only on insanity, but criminality,” Brown said.

But the “America’s Pledge” report issued by Brown and Bloomberg says the nation can — and should — meet the agreement’s goal, anyway: a 26 percent reduction in greenhouse gas emissions by 2025.

Bloomberg says since 2005, the United States has already cut its greenhouse gas emissions by 12 percent.

“So, while the spotlight is on Washington, the real action is happening outside the Beltway in both red and blue states,” Bloomberg said. “This really is a bottom-up and locally led movement.”

The summit’s goal is to have cities, countries and private industries work to more than double that reduction by 2025. They hope to mitigate the negative effects of climate change like sea level rise, wildfires and severe drought.

At Jerry Brown's climate summit, a lot of drama and a measure of momentum

By EVAN HALPER

SEP 13, 2018 | 5:50 PM

| SAN FRANCISCO

It was equal parts theater, venting session and business meeting where stuff got done.

At Gov. Jerry Brown's climate summit Thursday, there were no sweeping agreements struck as there were in Paris in 2015. Statements of defiance against Washington and boasts of progress made so far overshadowed actual new commitments. Protesters shouted from the outside — and the inside — that the state, city and business leaders assembled from around the globe are not confronting the climate problem aggressively enough.

But still, there was forward momentum. Alliances were born, goals were set, and notable and influential new leaders showed up to join the coalition of governments and companies determined to carry the world toward meeting the Paris agreement President Trump has disavowed.

That was enough for organizers to declare the day a success. By the time the conference ends Friday, they can argue they have succeeded in getting the figurative boulder a few feet farther up a mountain Brown likes to compare to Mt. Everest.

"If you have any kind of a meeting that is big enough to create a social and political splash, you end up with the question of did it accomplish enough," said Jonathan Pershing, who was U.S. special climate envoy during the Obama administration. The myriad incremental measures put on the table in San Francisco, he said, will add up.

The largest manufacturer of tractors in the world, an Indian company, vowed to cut its emissions consistent with the Paris goals. An Australian state snubbed the country's leader by committing to phase out coal. Virginia joined the group of U.S. states aggressively defying the federal government by placing new restrictions on methane emissions.

"There are things that are happening that weren't happening before, and some of them are a big deal," Pershing said. "We now have a group of big tech companies refusing to go into places that won't give them 100% renewable power. That leaves places like Ohio grappling with how to get more renewable power because they want the business. That is a big deal."

Former New York Mayor Michael Bloomberg's group unveiled a new study mapping out the path for cities, states and businesses committed to carrying the U.S. to the Paris goals, pushing for progress on pledges to more reliably be accounted.

But the policies were often less of a highlight than the political positioning and drama around them.

Actor Harrison Ford drew cheers as he demanded voters "stop giving power to people who don't believe in science. Or worse than that, pretend they don't believe in science for their own self-interest." He ended on a line the crowd assembled at San Francisco's Moscone Center adored: "Let's roll up our sleeves and kick this monster's ass."

Washington Gov. Jay Inslee seemed to be on an audition for the 2020 Democratic presidential primary. "We have given people what they need in a dark time," he said of the alliance of governors pushing to meet the Paris goals.

Bloomberg, who was twice elected mayor of New York as a Republican before becoming an independent, announced that he will be putting his vast fortune behind electing Democrats to Congress.

Brown was Brown, in vintage form at an event where he was undeniably the biggest star.

The governor was asked how history will remember Trump. "On the path he is now?" the governor said. "Liar. Criminal. Fool. Pick your choice."

Still, a raucous crowd outside the summit had sharp criticism for Brown, demanding he take a firmer stand against the expansion of oil production in California. One group carried a large yellow banner telling the governor that he has a "last chance" to choose between "fossil fuel or our future." Many were part of a group that has challenged Brown throughout the year for what they see as having too close of a relationship with the oil industry.

When asked about the protests, Brown responded with characteristic annoyance.

“You know that politics runs on money,” said Brown, who once ran for president on a platform of getting big money out of politics and demanding candidates take no more than \$100 from any donor. “... In the world of dreams, you can do a lot of things. In the world of practicality, there is a way it works.”

Bloomberg took a more bemused view of the protests.

“America is a wonderful country,” he said with a grin. “Here we have environmentalists protesting an environmental conference.”

87 days of smog: Southern California just saw its longest streak of bad air in decades

By TONY BARBOZA
SEP 21, 2018 | 4:00 AM

The streak in ozone pollution began on June 19 and didn’t relent until Sept. 14. (Wally Skali / Los Angeles Times)

Southern Californians might remember the summer of 2018 for its sweltering heat waves, record ocean temperatures and destructive wildfires. But it also claimed another distinction: the summer we went nearly three months without a day of clean air.

The region violated federal smog standards for 87 consecutive days, the longest stretch of bad air in at least 20 years, [state monitoring data show](#). The streak is the latest sign that Southern California’s battle against smog is faltering after decades of dramatic improvement.

The ozone pollution spell began June 19 and continued through July and August, with every day exceeding the federal health standard of 70 parts per billion somewhere across Los Angeles, Orange, Riverside and San Bernardino counties. It didn’t relent until Sept. 14, when air pollution dipped to “moderate” levels within federal limits for ozone, the lung-damaging gas in smog that triggers asthma and other respiratory illnesses.

It’s not unusual for Southern California summers to go weeks without a break in the smog, especially in inland communities that have long suffered the nation’s worst ozone levels. But environmentalists and health experts say the persistence of dirty air this year is a troubling sign that demands action.

“The fact that we keep violating and having this many days should be a wake-up call,” said Michael Kleeman, a professor of civil and environmental engineering at UC Davis who studies air pollution.

The South Coast Air Quality Management District, which is responsible for cleaning pollution across the region of 17 million people, said that consecutive bad air days is an inappropriate way to gauge progress curbing ozone, that this smog season was not as severe as last year’s and had fewer “very unhealthy” days.

The U.S. Environmental Protection Agency judges whether the region meets Clean Air Act standards based on the highest pollution readings, not how long bad air persists. By federal metrics, air district officials argue they are making strides. The highest ozone levels recorded this summer, they point out, were lower than the previous year, and the smog season began later.

“By all accounts this year is not great, but it’s a little better than last year,” said Philip Fine, deputy executive officer for the South Coast air district.

The bad air spell follows an increase in smog over the last few years that has bucked a long-term trend of improving air quality and left officials [searching for answers](#). In 2017, the region logged 145 bad air days for ozone pollution, up from 132 ozone violation days in 2016 and 113 the year before.

By the same measure, this smog season is on par with last year, with 126 ozone violation days logged through Monday, according to [air district statistics](#).

The district could not say if there had ever been a stretch of bad air days longer than the one this summer. The agency does not track consecutive violations of federal health standards, a spokesman said, because it “is not a useful or meaningful metric to gauge ozone air quality trends.”

Not everyone agrees. Joseph Lyou, a South Coast air quality board member who heads the Coalition for Clean Air, said he’s concerned that although the intensity of Southern California’s air pollution has dropped, its longevity is increasing.

“It’s a disturbing trend no matter what the law says you’re accountable for,” said Lyou, who asked about the streak of bad air days at a public meeting earlier this month. “It’s telling us we have a persistent problem and that we still have a long way to go.”

Regulators blame the dip in air quality in recent years on hotter weather and stronger, more persistent inversion layers that trap smog near the ground. They’re also planning a study into whether climate change is contributing to the smog problem, as many scientists expect, due to higher temperatures that speed the photochemical reactions that form ozone.

Hotter weather from global warming is not accounted for in pollution-reduction plans required under the Clean Air Act, even though scientists expect it to hinder efforts to control smog.

“This is one example of the close ties between air pollution and climate change, which makes meeting air quality standards even more challenging and illustrates the urgency for addressing climate change at all levels of government in the U.S. and globally,” said Barbara Finlayson-Pitts, an atmospheric chemist at UC Irvine who studies air quality.

Lyou worries that a failure to account for climate change could pose another obstacle to meeting federal ozone-reduction deadlines in 2023 and 2031. The air district’s [latest cleanup plan](#) says the region can get there only by increasing local, state and federal cash incentives for lower-polluting vehicles by more than tenfold to \$1 billion a year. But so far, it’s falling far short.

Environmentalists and community groups say the string of smoggy days is a symptom of insufficient regulation. They criticize air quality officials as too quick to blame the weather when they could be doing more to crack down on some of the biggest hubs of pollution, including truck-choked warehouses and ports and oil refineries.

“We know that it’s getting hotter and drier from climate change, but the law says we need to breathe clean air no matter the weather,” said Adrian Martinez, an attorney for the environmental law nonprofit Earthjustice who chronicled the mounting number of ozone violations from his Twitter handle

“The last time we met the standard, Justice Kennedy had not announced retirement yet & the World Cup just started,” Martinez [tweeted on Sept. 7](#), some 80 days into the spell. “This isn’t right. Our lungs deserve better.”

Experts say the unsteady progress in Southern California is expected, and a reflection of the difficulties in controlling ozone, which is not emitted directly but forms when combustion gases and other pollutants react in the heat and sunlight. The formation of smog is so influenced by weather conditions and the precise mix of pollutants in the air that scientists and regulators are not surprised to see ozone pollution tick up, despite a long-term trend of declining emissions.

“As we work to bring the whole region down, we’re actually seeing some areas where the ozone production is getting more efficient,” said Kleeman, who thinks scientists should reconsider the effectiveness of control measures and whether targeting different types of pollutants could bring swifter reductions.

“Are we really doing the right things for the right reasons and is it having the effect that we think?” Kleeman said.

At the same time, health scientists are publishing more research linking ozone and other regional air pollutants to a wider array of health problems at levels well below regulatory limits. Such findings, they say, underscore the need to do as much as possible to curb smog and ease the number of asthma attacks, missed school days, emergency room visits and premature deaths — all of which increase when ozone pollution is high.

“There’s no question that people with preexisting lung diseases, particularly asthmatics, have had a harder time this year than they would have in previous years where there weren’t so many exceedances,” said Michael Jerrett, who chairs the Department of Environmental Health Sciences at UCLA’s Fielding School of Public Health.

Such problems can be most acute in the smoggy Inland Empire. There, some are starting to view past success cleaning air pollution as an impediment to easing its health damage today. They say clearer mountain views can belie the fact that the air still exceeds health limits for much of the summer.

Smog’s less visible presence can make it easier to live in denial about the health effects, said John Cadavona, a registered respiratory therapist who supervises Arrowhead Regional Medical Center’s Breathmobile, a fleet of RVs that treat schoolchildren in San Bernardino County, where asthma rates and ozone pollution are both high.

“We have parents that think that a cough that their child has is normal, when it may be asthma,” Cadavona said. “If we had cleaner air, we’d have kids who were healthier, whose lungs can function normally and can play sports without having to take medication.”

Los Angeles reduces Eastern Sierra water deliveries because of climate change. At risk, ranchers say, is a way of life

By LOUIS SAHAGUN
SEP 24, 2018 | 4:00 AM
| MAMMOTH LAKES

The lush plains east of Yosemite National Park offer a window into a bygone California — a place where sage grouse welcome the arrival of spring with theatrical mating rituals and cattle graze on verdant pastures.

For nearly a century, these lands have been made green thanks to annual flooding by the Los Angeles Department of Water and Power, helping maintain cattle forage and keeping alive a culture of ranching in southern Mono County.

But those days may have come to an end in August.

Citing climate change, LADWP this year shifted its irrigation policy, saying ranchers who lease grazing areas on its 6,400 acres near Crowley Lake should no longer bank on the promise of ample water when they renew.

Water officials say the change is necessary as decreased snowmelt leaves them little water to spare. But the move could turn grasslands brown, rattling ecosystems, the local economy and a way of life, ranchers warn.

“Without irrigation, we’d be looking at mostly cheatgrass and tumbleweeds, which are good for nothing,” said Kay Ogden, executive director of the nonprofit Eastern Sierra Land Trust, as irrigation water flowed ankle deep across pasturelands edging U.S. 395.

“Does L.A. have the right to destroy habitat and the livelihoods of families, friends and neighbors who have lived here for generations?” she said.

The LADWP has for seven decades provided several lessees in the area about 5 acre-feet of water per acre per year, which made their pastures nutritious through the summer and added luster to the area’s hiking, biking and angling hotspots. (An acre-foot of water equals about 326,000 gallons, more than enough to supply two households for a year.)

But as the agency prepares for a future with less snow, more rain and prolonged periods of drought, the prospect of flooding pastures with enough water to serve 50,000 families annually has lost its appeal.

The LADWP said it would have to spend about \$18 million to replace the amount of water requested by ranchers and the lost hydropower it could generate — an unacceptable burden for its Southern California ratepayers of about \$30 per family per year.

Beyond that, water officials say, irrigation was never a guarantee tied to the leases held by ranchers, who pay an average \$10 to \$15 per acre per year to graze on irrigated pastures.

As it drafts new 20-year leases for 10 longtime ranchers in area, the department says lessees should anticipate that little to no water will be available for them.

The agency said it would continue diverting about 1,000 acre-feet of water per year to protect the estimated 600 sage grouse in the area, a segment of a subspecies only found along the California-Nevada border.

The amount of water needed to sustain the bird, and whether any of it will be available to ranchers, will be determined by an ongoing environmental review, officials said.

The cutbacks have enraged residents in a region defined by water wars since the early 1900s, when Los Angeles city agents posed as ranchers and farmers to buy land and water rights in Mono and nearby Inyo counties. Their goal was to build the aqueduct system needed to meet the needs of the growing metropolis 300 miles to the south.

Bob Gardner, chairman of the Mono County Board of Supervisors, summed up the tensions in a recent letter to Los Angeles Mayor Eric Garcetti.

“We refuse to accept that climate change and ratepayer obligations justify the impacts to our natural environment and regional economy,” he said. “Quite simply, LADWP’s arbitrary plan is nothing more than a veiled water grab.”

On Aug. 15, the county filed a lawsuit against the city and the agency asserting that they violated the California Environmental Quality Act by altering management policies without first analyzing their potential effects, including the increased risk of fire on dewatered pastures.

Three weeks later, the water district initiated its environmental review. Mel Levine, president of the LADWP’s board of commissioners, said negotiations with the county ceased after its lawsuit was filed, but talks continue with ranchers over “trying to get into more efficient irrigation practices.”

In late August, a drone flown by a contractor for the LADWP crashed on grazing land near Crowley Lake, sparking a fire that charred 10 acres. That land was leased by cattle rancher Mark Lacey, whose ancestors settled in the region more than 130 years ago.

“The DWP never ceases to amaze me,” grumbled Lacey, one of several lessees in the area who have reacted to the coming water reduction by reducing their herds, sending cattle up to Idaho, Wyoming, Nebraska and Oregon.

“My operation is down by about 40%,” Lacey said. “That means I have three full-time employees — including myself — instead of five, and I’m spending a lot less on lunch, gasoline and auto parts at local businesses.”

Matt and Maria Kemp, whose children are destined to become the sixth generation of ranchers to run cattle on 1,600 acres of private holdings and land leased from the DWP, said they could lose half their spread.

“There’s a long tradition of livestock grazing in Mono County,” Matt Kemp, 40, said. “I’d like to negotiate a compromise.”

The impacts of the shift remain to be seen in the county where local ranchers increased their cattle and calf production by 16% over the last year, according to an economic survey conducted by California State University Chico.

Inyo-Mono Agricultural Commissioner Nathan Reade estimates that the loss to the Mono County economy may be as high as \$8 million per year.

Locals say the policy shift illustrates a broader vulnerability of a region with only 14,000 residents and where 94% of land is owned by city, state and federal agencies — all of them preparing for a drier future.

Alicia Vennos, economic development director and film commissioner for Mono County, expressed the sentiments of many residents this way: “We need to stay green.”

Doing so, some locals say, would help protect the sage grouse, whose strongholds overlap with irrigated pastures.

While the bird has the sympathy of many in the region, there is less support locally for mandatory conservation efforts, which some fear would lead to land-use restrictions.

Few residents were pleased when a U.S. District Court judge recently overturned the U.S. Fish and Wildlife Service’s decision not to consider petitions from environmental groups to place the bird on the endangered species list.

Plaintiff’s organizations, however, including the Center for Biological Diversity, were elated by the ruling that also proposed a designation of 1.8 million acres of critical habitat across the western U.S.

A species that once numbered more than a million may be down to a few hundred thousand birds scattered across parts of 11 states. About 80% of the sage grouse’s historic nesting grounds have been lost to human development, including ranches and farms.

On the issue of listing the sage grouse, the LADWP and some local conservation organizations, including the Eastern Sierra Land Trust, this time find themselves unified in opposition.

“It’s not in the department’s best interests to have this species listed — or to have ratepayers’ land made critical habitat,” said Dave Martin, an environmental affairs officer with the LADWP. “That’s because it would give outside agencies a say in how we manage Los Angeles’ land and water resources.”

The sage grouse would be better served, Martin suggested, by removing a Mono County landfill that is a gathering place for predatory ravens that feast on their chicks and eggs.

Susanna Danner, land conservation program director for the Eastern Sierra Land Trust, stands next to a canal that diverts Sierra runoff onto pastures.

Laura Cunningham, an artist and biologist who has studied the ecological rhythms of life in Mono County for decades, described the challenge of accommodating sage grouse, cattle ranchers, the local economy and L.A. ratepayers as “one of the most complicated and multifaceted environmental controversies I’ve ever seen.”

“Everyone needs to step back, take a deep breath and start trying to replace their biases with information gathered from scientific research,” she said.

“Otherwise, the sage grouse will spiral into oblivion while people with clashing agendas fight over the effects of climate change.”

Levine could not agree more.

“We are committed to protecting the sage grouse,” he said. “But we have concluded that it’s not fair for ratepayers to subsidize unnecessary extra water for Mono County ranchers at a time when we’re facing climate change issues, drought and regulatory requirements regarding water conservation.”

California becomes the first state to restrict plastic straws at restaurants

SEP 20, 2018 | 1:35 PM

California Gov. Jerry Brown on Thursday signed the nation's first state law barring dine-in restaurants from giving customers plastic straws unless they are requested, saying discarded plastic is "choking our planet."

Brown cited the damage that discarded plastic has done to marine life and its threat to human health.

"Plastic has helped advance innovation in our society, but our infatuation with single-use convenience has led to disastrous consequences," Brown wrote in a signing message.

The governor said plastic in the oceans is estimated to kill millions of marine animals each year, and he noted that when a dead pilot whale washed up on a beach in Thailand recently, 80 plastic bags were found in its stomach that prevented the digestion of food.

"Nor are humans immune as microplastics were recently found in tap water around the world," Brown wrote. "Plastics, in all forms — straws, bottles, packaging, bags, etc. — are choking our planet."

The new law, which takes effect Jan. 1, exempts fast-food restaurants and provides full-service restaurants with a written warning on the first two violations and a fine of \$25 a day for subsequent infractions.

"It is a very small step to make a customer who wants a plastic straw ask for it," Brown said. "And it might make them pause and think again about an alternative. But one thing is clear, we must find ways to reduce and eventually eliminate single-use plastic products."

The measure is part of a global effort to reduce the use of plastic, which experts say makes up as much as 80% of all marine debris.

Earlier this month, a ship left San Francisco Bay with plans to remove the 79,000 metric tons of plastic believed to be floating in the Great Pacific Garbage Patch midway between California and Hawaii, a collection of marine debris estimated to be twice the size of Texas.

Closer to home, the California Coastal Commission recorded roughly 835,425 plastic straws and stirrers that were picked up during organized beach cleanups during a quarter-century period ending in 2014, according to Assemblyman Ian Calderon (D-Whittier), who introduced the legislation.

"By removing the default behavior of providing straws with every drink, consumers have an opportunity to make a deliberate, small change that will minimize the harmful impacts of single-use plastic straws in the environment," Calderon said Thursday after the governor's announcement.

The measure was largely opposed by Republican lawmakers who predicted it is the first step toward a total ban on straws that will be a burden to small businesses.

Assemblywoman Melissa Melendez (R-Lake Elsinore) said exempting fast-food restaurants means it will not apply to those eateries where customers take the straws away with them to dispose later.

"I just don't see how this is going to make that much a difference in reducing straws in the waterways," Melendez said. "Punishing the restaurant for defying this mandate I just think sends the wrong message."

Assemblyman Devon Mathis (R-Visalia) also objected to the state meddling in the affairs of restaurants.

"When I take my wife out to eat and we sit down and we finally have a chance to get away from the kids, I'm not looking for a lecture on straws and ocean health, and an interruption of the ambience," Mathis said.

Limits on access to straws concern some in the disabled community, who note they are needed by people who don't have the arm or hand strength to lift cups and glasses and tilt them for drinking. The straws-on-request policy is reasonable.

principle, according to Karin Willison, a travel blogger with cerebral palsy, but she worries some restaurants may stop offering plastic straws to avoid the possibility of fines or otherwise make access difficult.

“Some people who need straws may have an invisible disability or illness, and they should be able to receive a straw without being judged or asked if they ‘really’ need it,” said Willison, who is the disability editor at the Mighty, a website on health issues.

The European Commission proposed in May that the European Union limit the use of single-use plastic products. Several California cities, including Santa Monica, have adopted local ordinances requiring food service workers to provide plastic utensils only upon request.

“The California Legislature is continuing to fill the vacuum of federal leadership by tackling our plastic pollution crisis and the throw-away culture that causes it,” said Mark Murray, executive director of Californians Against Waste.

Jerry Brown is right: California should build a 'damn satellite' to track climate change

By GEORGE SKELTON

SEP 20, 2018 | 12:05 AM
| SACRAMENTO

Gov. Jerry Brown announces how states, cities and businesses are leading the U.S. to a low-carbon future on the first full day of the Global Climate Action Summit at the Moscone Center on Sept. 13 in San Francisco. (Gina Ferazzi / Los Angeles Times)

Many of us undoubtedly snickered last week when Gov. Jerry Brown announced — again — that he was going to build a state satellite. Yes, “a damn satellite.” Gov. Moonbeam was back.

Just what the state of California needs: its own Earth-orbiting satellite, right? Never mind all the other pressing priorities: lower college tuition, more affordable housing, lots more renewable energy, beefed up wildfire fighting ability...

That was the initial, natural reaction to Brown’s surprise announcement at the close of his big climate summit in San Francisco that drew an estimated 4,000 people from around the globe.

“No more talk. Now’s the time for action,” he told departing delegates. “In California, with science under attack — in fact, we’re under attack by a lot of people, including Donald Trump, but the climate threat still keeps growing. We want to know what the hell is going on all over the world, all the time.

“So we’re going to launch our own satellite — our own damn satellite — to figure out where the pollution is and how we’re going to end it with great precision.”

He added: “This initiative will enable us to spotlight the methane — the pollution — and then be able to ... point out those who pollute and develop the remedies to end it... This is an existential threat.”

Fine, but did Brown forget that he'll be governor for only 3 ½ more months? The satellite — they're actually talking about several — will probably take two to four years to develop and launch. The next governor, presumably Democratic Lt. Gov. Gavin Newsom, will wind up giving the A-OK for development or scuttling the project.

Has anyone asked Newsom? Apparently not. I contacted his campaign headquarters and learned he was non-committal, which he should be.

"He hasn't seen the specifics of the proposal, but he has a very high regard for Gov. Brown's climate leadership generally," spokesman Nathan Click emailed.

I asked again: Does Newsom think a state satellite is a good idea or not?: "Again, he's looking forward to reviewing the details."

John Cox, the underdog Republican candidate for governor, emailed me: "While we need to continue to lead on combatting climate change, if there's money to spend on a satellite, I'd rather see it spent to update firefighting equipment and outdated helicopters. I see that as a bigger near-term priority."

That makes total sense. Brown, however, has already budgeted \$285 million to start buying 12 state-of-the-art helicopters.

After my initial satellite skepticism, I looked into the project and concluded that Brown's idea probably is a pretty good one. It might not cost the state much, if anything. And it would reap a lot of free climate data.

The satellite will be developed in a public-private partnership between the California Air Resources Board and Planet Labs, a San Francisco-based Earth imaging firm founded by ex-NASA scientists in 2010.

"We're not asking the state of California for any sort of money," says Robbie Schingler, co-founder and chief strategy officer of Planet Labs. "We think this is a big enough idea that we can get funded with grants from foundations. What we're thinking about is making the data available as a free public good."

That's specific climate data, principally about methane. The company thinks it will also be able to develop other types of data that can be sold for a profit. And the state could essentially serve as a rainmaker for the firm, attracting new clients.

Two foundations have already kicked in a total of \$3 million for initial financing.

One reason Brown announced the project at his high-profile summit was to generate interest among foundations and perhaps draw some grants, says his spokesman, Evan Westrup.

Schingler won't talk about a satellite's cost. That's private information. He says that satellites have gotten a lot smaller and much cheaper in recent years.

It won't be private info, however, if Planet Labs ever asks the state to kick in money. That sort of detail would need to be aired publicly by legislative budget committees. So far, the state's only investment is a handful of staff researchers assigned to the project.

The satellite's size will be somewhere between a bread loaf and a washing machine, Schingler says. The more sophisticated, the bigger the bird.

"We'll find out in the next six months."

The chief state honcho on the project is Mary Nichols, chairwoman of the Air Resources Board. She was a board member when Brown was governor in the 1970s. Nichols says Newsom has asked her to stay on the job if he's elected, and she has agreed.

"If the state is going to continue to have a climate program," Nichols says, "it's important to base [the program] on science."

Brown has been talking about launching a satellite for 40 years.

In his proposed 1978 state budget, the governor set aside \$5.8 million to begin developing a communications satellite. That year, however, voters rebelled against taxes and overwhelmingly passed Proposition 13, cutting property taxes substantially. Brown quickly backed off his satellite.

But Chicago newspaper columnist Mike Royko had already pinned on Brown the moniker that would last a lifetime: “Gov. Moonbeam.”

Right after Trump was elected president and was threatening to junk climate programs, Brown defiantly declared in a San Francisco speech: “If Trump turns off the satellites, California will launch its own damn satellites.”

Hopefully Brown’s successor finally will. The satellite should be named after Royko.

As climate change worsens wildfires, California will spend \$1 billion and give utilities new ways to shrink their fire expenses

By JOHN MYERS

SEP 21, 2018 | 11:20 AM
| SACRAMENTO

With an eye toward destructive wildfire as California’s most immediate climate emergency, Gov. Jerry Brown took action on Friday to broadly expand state prevention efforts while allowing utility companies to shift some fire-related costs to their customers.

The far-reaching proposal signed by Brown boosts government fire-protection efforts by \$1 billion over the next five years, providing funds that could help clear thousands of acres of dense, dry forests and brittle coastal brush. The bill’s combination of cash and regulatory relief mark a major escalation in addressing what has been called the “new normal” of fire danger for the state, far beyond what has been spent on immediate emergency responses.

“Wildfires in California aren’t going away, and we have to do everything possible to prevent them,” the governor said in a written statement. “This bill is complex and requires investment — but it’s absolutely necessary.”

Negotiations over the details of the 112-page law dominated the state Capitol during the final weeks of the legislative session. The proposal’s fine points emerged just hours before the final vote on Aug. 31. While many lawmakers found parts of the proposal unpalatable, few were willing to be seen as not having done everything they could to protect the lives and property of their constituents.

“This new law is the most comprehensive wildfire-prevention and safety package the state has passed in decades,” said state Sen. Bill Dodd (D-Napa), the bill’s co-author.

The new law links together two distinct challenges for changing the trajectory of California’s fire future: controlled growth of fire-prone vegetation and reduced financial exposure for utility companies. In a less combustible year, opposition to either could have doomed the effort. But the topic was hard to ignore during a summer marked by a number of deadly blazes and weeks of wildfire smoke choking the skies above Sacramento.

Lawmakers from the state’s most threatened regions — rural foothills with forests overgrown from decades of fire suppression, and coastal communities with kindling-like chaparral — were adamant about expanding efforts to remove fire

fuels. They pushed for \$1 billion in funding, paid over five years from proceeds of California's cap-and-trade climate program, so that government and landowners alike had the money needed to carry out the work.

California Department of Forestry and Fire Protection officials will oversee those dollars, generally divvied into two categories: \$165 million a year for fire-prevention grants to landowners and for community prevention efforts, and another \$35 million to continue Cal Fire's year-round prescribed burns, research and monitoring.

Under the law signed by Brown, landowners will have new permission and help to reduce overgrowth by cutting down more small and mid-sized trees — a historic change, given that California's logging limits on privately owned lands date back to 1973.

Timber harvesting permits for small landowners will be made cheaper and some property owners will be allowed to build temporary roads to reach otherwise inaccessible overgrown areas. In some instances, both small and large landowners will have new permission to sell that timber to help offset the costs of the fire-prevention activity.

Property owners who apply for new conservation easements — to preserve natural landscapes in exchange for tax incentives — will have to ensure the density and health of their trees don't exacerbate fire danger. The new law also allows a streamlined state review for tree-removal efforts on federal lands.

California's Board of Forestry and Fire Protection will have an expanded role in setting regulations to lower fire risk while hiring more technical experts to ensure the rules actually work. Many of the new law's provisions will expire in five years unless the Legislature decides to continue or expand the programs.

The tree- and brush-removal provisions of Senate Bill 901 were subject to intense lobbying by environmental groups. But those disagreements paled in comparison to the bitter brawl over its concessions to municipal- and investor-owned utilities.

Downed power lines have sparked devastating fires across the state in previous years. Two of the state's largest electricity providers — Pacific Gas & Electric and San Diego Gas & Electric — both face steep costs related to past wildfires. PG&E has yet to finish tallying the damages it must pay from fires in Napa and Sonoma counties last fall.

SB 901 makes two significant changes to determining how much utilities must pay. First, it enhances the wildfire-mitigation plans that companies must file with the California Public Utilities Commission. Utilities will have to provide new details on vegetation removal and electricity shutoff plans. Regulators will have to formally sign off on the wildfire-mitigation plans, ensuring more accountability in the aftermath of a devastating blaze.

"The bill requires independent evaluation of utility compliance with mitigation plans, and doubles the amount of fines that can be levied upon a utility for failure to comply," Dodd said during legislative debate last month.

Second, utility regulators will be given new guidelines to help determine a company's liability. For fires that begin in 2019 and beyond, utility companies will be able to shift some fire-related costs to consumers — but only to the extent that regulators determine the company wasn't negligent.

For fires that burned in 2017 — a year in which state investigators have linked PG&E equipment to at least a dozen Northern California fires — the utility will be allowed to borrow billions of dollars using ratepayer fees to pay it back, even if it was found to have acted improperly. The amount charged to customers would be determined after an independent analysis of the company's finances.

Utility officials have given a general rule of thumb: \$1 billion in borrowing would result in a \$5 annual surcharge for most customers, assessed every year until the loan is paid off. Some lawmakers insisted it will amount to an unfair "bailout" of companies such as PG&E.

"Shouldn't we focus on requiring PG&E to improve the safety of their electric system that they've been neglecting all these years?" state Sen. Jerry Hill (D-San Mateo) said during last month's floor debate in opposing SB 901. "Instead, this bill rewards their bad behavior."

Brown, who originally pushed for a more generous plan to lessen the industry's fire liabilities, insisted the state's energy needs would be threatened by the specter of utility bankruptcy without some kind of concessions.

"The utilities have to stay in business," Brown said in an interview with the Los Angeles Times last week. "They have to make enough return to be a viable corporation."

Even so, the new law will not insulate PG&E from additional financial stress. Last week, Moody's Investor Service downgraded the company's credit rating, specifically citing the Legislature's refusal to go along with Brown's proposal to revise the liability standard known as "inverse condemnation."

"Even if a utility prudently managed its infrastructure at the time of a fire, the utility could be held accountable for damages if its infrastructure was substantially involved in causing the fire, potentially exposing the state's utilities to significant liabilities," Moody's analysts wrote.

While SB 901 was the centerpiece of the effort by lawmakers this year in responding to fire danger, Brown also signed several other bills on Friday designed to boost California's fire preparedness.

Senate Bill 1260 gives Cal Fire a larger role in identifying risks as local communities turn undeveloped land into new housing. Assembly Bill 2911 expands a utility's right to cross private land to reduce fire threats around power lines, and it sets in motion statewide efforts for new fire-resistant building standards.

Brown and lawmakers from both major political parties insisted the package of new laws are important, but only a first step toward preparing Californians for longer dangerous fire seasons in the years to come.

"This year alone, 1.3 million acres of California have burned," said Assembly Republican Leader Brian Dahle of Bieber. "The loss of life and property has been staggering. We are taking steps to ensure that this doesn't happen again."

California an economic model? Not quite

By [Dan Walters](#) | Sept. 23, 2018 | [COMMENTARY](#), [DAN WALTERS](#)

A significant sub-theme of Gov. Jerry Brown's climate change conference in San Francisco this month was that California is a living model of how a nation-state can go green while experiencing economic prosperity.

Some Californians take it a step further, contending that going green is itself an economic spur.

Certainly California's current economy is, at least superficially, booming.

The state's official unemployment rate is 4.2 percent, a record-low level, reflecting tens of thousands of new jobs being added each month – nearly 50,000 in July alone, according to the most recent employment report.

California's total economic output is more than \$2.5 trillion a year, which would place it fifth in the world were it a nation.

However, the claims that California is a model of green prosperity are somewhat overblown.

California is prospering these days mostly because the nation as a whole is experiencing a record-long economic expansion. The steps it has taken so far to reduce its carbon footprint have been relatively mild, so their economic impact, positive or negative, has been relatively scant.

The contentions that going green has been an economic positive are unproven. The cheerleaders for that claim notoriously overcount "green jobs," including many that would exist regardless and discounting the jobs that might be lost in the conversion.

The biggest negative about the state's economic standing, however, came in a new report issued by the Census Bureau as Brown's conference was underway.

It was the bureau's updated report on poverty and once again, California found itself in the unenviable position of being No. 1 in that category when all economic factors are included in the calculation.

While the state's poverty rate by the Census Bureau's "supplemental" method declined slightly since the previous report, it still is the nation's highest at 19 percent and that's because of California's very high cost of living, particularly for housing.

That means 7.5 million Californians, more than the population of most states, are counted as poor. And the situation is even darker when other data are put into the mix.

The Public Policy Institute of California, using a methodology similar to that of the Census Bureau, came up with very similar results, but also calculated that another 20 percent or so of Californians are living in "near-poverty."

Adding the near-poor to the total brings us to about 16 million Californians struggling to survive. That number is bolstered by the fact that 14 million Californians are being covered by the state's Medi-Cal program of medical care for the poor and the number would probably climb to 16 million if undocumented immigrants were eligible for its benefits.

Finally, the state's record-low unemployment rate is also somewhat misleading. The jobless rate most often cited – 4.2 percent currently – is the percentage of those considered to be in the workforce who lack jobs. But that doesn't account for adults who, for one reason or another, don't work or seek work, nor those who are working only part-time and/or below their skill levels.

The Bureau of Labor Statistics actually calculates unemployment and underemployment six different ways and the most revealing, called "U-6," includes not only the officially unemployed but "marginally attached" workers and those involuntarily working part-time. California's U-6 rate is 9.2 percent, more than a full percentage point higher than the national rate and tied with Louisiana for the sixth highest.

Until its real poverty rate and its real unemployment rate drop at least to the national average no one, especially no politician, should be boasting of California's prosperity.

A Delta farmer says the state poisoned his crops. Is California's water supply safe?

BY RYAN SABALOW

rsabalow@sacbee.com

September 24, 2018 02:00 AM

For years, state boats have sprayed thousands of pounds of herbicides into the Sacramento-San Joaquin Delta to kill invasive aquatic weeds. And, for years, California officials have insisted they closely monitor their chemical use to protect the ecologically fragile estuary and the drinking and irrigation water the Delta supplies to millions of Californians.

A pending court case casts fresh doubt on those claims.

For two consecutive summers, Joe Aiello's bell pepper crops near Brentwood in Contra Costa County wasted away and died.

His farm company eventually sent soil, water and plant samples to labs for testing.

The results showed high levels of fluridone, the active ingredient in weed-killing herbicide pellets that state officials routinely spray from boats in the Delta to kill aquatic plants.

Last year alone, the Department of Boating and Waterways applied 198,100 pounds of fluridone pellets as part of a concerted effort to kill the huge infestations of invasive aquatic weeds that biologists say are damaging native fish habitats.

Fluridone is just one chemical the state uses to kill weeds across the Delta's 60,000-acre spider web of sloughs and river channels that stretch from south of Sacramento and west of Stockton to the San Francisco Bay.

Not only do the weeds snarl boat propellers, state officials say it's critical to knock them back to keep water flowing to millions of acres of California farmland and 25 million urban Californians.

Aiello says the water used to irrigate his Brentwood peppers was pumped directly out of the Delta. He alleges the state sprayed fluridone pellets into the channels that supply his irrigation water in 2015 and 2016, and his peppers died soon after.

He says the state was obligated to check if peppers were growing nearby because the manufacturer's warning label for Sonar PR, the brand name of the fluridone pellets, says in bold-faced type to avoid spraying in waters used to irrigate peppers as the herbicide can kill the plants.

Feeling it was obvious the state was to blame, Aiello filed a claim for damages with the state. The state rejected the claim, forcing Aiello's company, Uesugi Farms, to sue the Department of Boating and Waterways last summer. The suit in Contra Costa Superior Court seeks \$10 million in damages to compensate him for more than 466 acres of dead peppers.

Gloria Sandoval, a spokeswoman for the Department of Boating and Waterways, declined to comment on the pending litigation. But speaking generally, she said in a statement the agency follows "best practices" and "approved product labels of usage" for the herbicides it applies in the Delta.

"Our applications are tightly focused on aquatic invasive species, not land, and they are done in strict adherence with state and federal guidelines to ensure that the Delta is protected from our use of herbicides," she said. "Treated areas are monitored to ensure herbicide levels do not exceed allowable limits."

Though the lawsuit was under way, Aiello didn't want any more of his plants to die, so he moved his pepper operation to a farm in San Joaquin County.

In July, once again, some of his peppers started to die. Again, tests showed high levels of fluridone, Aiello said. By that point, Aiello's legal team knew to check the [Boating and Waterways website](#) that publicizes when and where the state's fleet of boats is conducting its herbicide treatments.

"Sure enough, Sycamore Slough was being sprayed exactly when we were planting," said Steve Snider, a Lodi attorney representing Aiello and [Uesugi Farms](#). The slough is where Aiello's San Joaquin County farm pumps its irrigation water.

Aiello said the experience has been frustrating. He said he assumed state officials would have been extra cautious about spraying herbicides around sensitive crops after he filed his suit.

"You'd think that would have raised a flag with the state, and they'd say, Are there any peppers being grown here?" he said.

This summer, Aiello filed a complaint with the San Joaquin County agricultural commissioner whose office regulates spraying around crops and can issue administrative penalties. The county says it's investigating.

Aiello's allegations come as the Department of Boating and Waterways is defending its use of another controversial herbicide.

Since 2010, Boating and Waterways has put more than 14,000 gallons of Roundup into the Delta to kill floating aquatic plants, according to a McClatchy review of data provided by the agency.

The Roundup spraying continues even though last year another state agency listed glyphosate, the active ingredient in Roundup, as a cancer-causing chemical under Proposition 65, the 1986 ballot initiative that requires warning labels for about 1,000 chemicals known to cause birth defects or cancer.

Monsanto, the giant agrochemical and biotech company that makes Roundup, insists its product is safe. It says claims to the contrary aren't backed by scientific evidence. Several other government agencies, including the U.S. Environmental Protection Agency, have concluded no evidence shows that glyphosate causes cancer.

Meanwhile, thousands of lawsuits alleging glyphosate causes cancer have been filed in state and federal courts across the country.

Federal scientists and Boating and Waterways officials say the relatively small amounts of the special blend of Roundup used in the Delta pose no risk to the water supply because the chemical is rendered inert when it gets wet and quickly dissipates in the billions of gallons of water that flow through the estuary.

When applied correctly, fluridone, which is not on the Prop. 65 list, is similarly safe, officials say. The state uses Roundup to kill vegetation floating on the surface. Fluridone kills submerged weeds.

Pesticide critics are troubled by the allegations in Aiello's suit.

"Yet again the state has decided to unleash its arsenal of chemicals rather than invest in a comprehensive solution to plant problems," said Paul Towers, the Sacramento-based organizing director and policy advocate for Pesticide Action Network North America.

Instead of using chemicals, Towers advocates for using mechanical harvesters and other non-toxic methods to remove the weeds. State officials do deploy the machines in certain areas, but they say they can only use them in a few locations because chopping up the weeds can actually make the problems worse because it disperses the plants. Plus, few landowners want thousands of tons of soggy plant material deposited on their lands.

Snider, Aiello's attorney, said Delta farmers by and large believe that using herbicides to treat the invasive weeds clogging the estuary is important, and they support the state's efforts. The state, Snider said, just needs to do a be a better neighbor to farmers in the area.

"We have no problem whatsoever with the program," Snider said. "It's just in the execution, they seem to have to completely ignored the impact it has on agriculture."

The high cost of a zero-emission California

By Dan Walters | Sept. 24, 2018

It's time again, boys and girls, for more fun with numbers – this edition being about electrical power generation and consumption in California.

For simplicity's sake, we'll use round numbers reflecting official state and federal data.

Electrical power is measured and priced to consumers by the kilowatt-hour, which is 1,000 watts of energy, about what a coffee maker uses, flowing for one hour. But in larger scale, officials use terawatts, each a billion kilowatts.

Californians burn 300 terawatt-hours of juice each year, 70 percent of which is generated in-state and more than 40 percent of which comes from natural gas- or nuclear-powered plants here or elsewhere.

Gov. Jerry Brown this month signed legislation aimed at making 100 percent of California's electrical supply, both in-state and imported, free of carbon emissions by 2045.

California has just one nuclear plant, Diablo Canyon, remaining, and it's ticketed for phaseout, so reaching the 2045 goal would require replacing nuclear's 27 terawatt-hours of power and 100 terawatt-hours generated from natural gas with juice from windmills, solar panels, geothermal plants, biomass or hydroelectric dams.

However, there are no large hydropower projects in the works, so the 127 terawatt-hours of new generation would have to come from wind, solar and/or geothermal – essentially tripling their current output.

It's theoretically possible to build enough solar and windmill farms to do so, albeit at immense cost, but there's a corollary problem. They mostly generate during daylight hours, so having their power available 24 hours a day would require huge amounts of storage, presumably in massive battery banks.

Battery technology hasn't advanced to that stage yet, at least at a viable cost. After Brown signed the 2045 legislation, Moody's, the big credit rating organization, called it a "credit negative" for the state's electrical utilities, citing battery storage capacity.

Moody's said, "the capital cost of having enough battery power to reach the 100 percent target will exceed \$100 billion, assuming installed costs decline to \$100 per kilowatt-hour of storage capacity from its current cost of \$400 per kilowatt-hour."

Under even optimum circumstances, therefore, converting the electrical grid by 2045 would cost California's residential and commercial ratepayers hundreds of billions of dollars in capital investment.

But wait, there's even more.

Brown also signed an executive order aimed at making California "carbon-neutral" by 2045. While converting the power grid would be uber-expensive, it pales next to eliminating the state's largest source of carbon emissions, its more than 30 million gasoline-powered cars traveling 330 billion miles each year.

Fulfilling Brown's order would require replacing all, or almost all, of those cars with "zero-emission vehicles" or ZEVs, virtually all of them electric.

There are only about 200,000 ZEVs on the road now, so replacing all gasoline- and diesel-fueled cars at \$30,000 each by 2045 would cost California motorists (and/or taxpayers) about a trillion dollars, or an average of \$37 billion a year.

But even that is not the end of it.

Driving 100 miles in a ZEV consumes 30 kilowatt-hours of electric power, according to the federal government. Therefore, assuming they were still traveling 330 billion miles each year, recharging 30 million ZEVs would expand annual electric power consumption from 300 terawatt-hours to at least 400, and that extra juice also would have to come from solar, wind and other renewable resources.

Moreover, since the ZEVs would be mostly recharged at night, the carbon-free electrical grid would need even more battery storage to keep them running.

Fun numbers, indeed.

'There is nothing safe about this proposal.' California leaders vow to fight EPA

California's leading air pollution enforcers and the state's attorney general vowed to fight the Trump Administration's proposed lessening of vehicle emission rules during a public hearing in Fresno on Monday.

"There is nothing safe about this proposal," said Mary Nichols, chairwoman of the California Air Resources Board.

Nichols described the Trump Administration proposal as nothing more than "muscle flexing." And she called on the U.S. Environmental Protection Agency to withdraw it. California has led the nation in embracing and supporting clean air technology, she said, and the state "will not sit idly by as you try to flat line our efforts."

The Safer Affordable Fuel Efficient (SAFE) Vehicles Rule would freeze fuel economy and tailpipe emissions standards at 2020 levels for passenger cars and light trucks for model years 2021 to 2026. It also challenges California's state authority to regulate its own emissions standards to reduce greenhouse gases. California's standards are more stringent and include requirements for automakers to sell a certain number of electric cars.

The U.S. EPA and the National Highway Traffic Safety Administration have said easing emissions standards would keep the cost of cars down, encouraging people to get rid of older, polluting vehicles for newer, cleaner models. Opponents of the Trump Administration's proposal said rolling back emissions standards would increase harmful pollutants and threaten public health.

Outside the meeting, Nichols said she believes the Trump Administration believes its plan is going to save money for the auto industry. "And I think this is coming from the president," she said. But automakers are "saying the current standards are OK," she said. The industry only says they want a little more time and flexibility to comply, she said.

Automakers believe climate change is real and are taking action to reduce carbon emissions in new vehicles, said Steven Douglas, senior director of energy and environment for The Alliance of Automobile Manufacturers, an association of 12 of the largest automakers and the leading advocacy group for the auto industry.

About 500 vehicle models achieve 30 miles per gallon or more on the highway, and 80 of the models get 40 mpg or more, Douglas said. There are 45 hybrid-electric vehicles and more are on the way to market. But Douglas said continued support for improvements in fuel economy must account for consumer acceptance. "No one wins if our customers are not buying the new highly efficient products offered in our showrooms. The standards must account for consumer willingness and ability to pay for newer technologies in order for all the benefits of new vehicles to be realized."

Douglas urged California and the federal government to work together to "find a common-sense solution that sets continued increases in vehicle efficiency standards while also meeting the needs of America's drivers. One National Program enables us to keep new vehicles affordable, so more Americans can replace older vehicles with models that are cleaner, safer and more energy-efficient," he said.

The hearing in Fresno, which was expected to last at least 12 hours, is the first of three nationwide being held to hear from the public about the Trump Administration's proposed vehicle emission rules. Hearings will be held Tuesday in Dearborn, Michigan, and Wednesday in Pittsburgh. About 130 people, many from the Bay Area, Southern California and some from other Western states, signed up to speak in Fresno. People have until Oct. 30 to submit written comments to the EPA.

During her testimony, Nichols said Fresno was an appropriate location for the meeting on the proposed rollback of tailpipe emissions standards. "This is ground zero for the most stubbornly persistent violations of air standards," she said. The San Joaquin Valley has among the worst smog and particulate pollution in California and the U.S.

California Attorney General Xavier Becerra testified that the state has stringent air standards for a good reason. "We don't do this because it's easy or it feels good," he said. "We do this because 26 percent of school-aged children here in the San

Joaquin Valley suffer from asthma. We do it because the five largest fires in California history occurred in the last five years.”

Climate change also is a factor in California’s opposition to the Trump Administration proposal. California cannot back away from its fight against climate change, Becerra said. “We must continue to tackle the No. 1 source of greenhouse gas emissions: our vehicles.”

Becerra said his message to the EPA: “Do your job. Withdraw this proposal. Fulfill your duty under federal law to protect all Californians and Americans from harmful greenhouse gas emissions and to conserve energy.”

California EPA Secretary Matthew Rodriguez spoke at the meeting against the federal EPA proposal. California has led the nation in cleaning the air and 12 other states and the District of Columbia have joined in adopting the regulations, he said. The proposed regulations are not supported by science or technology, Rodriguez said. “You can be assured California will object to it at every step.”

Matt Rogers represented U.S. Sen. Kamala Harris. “Rolling back the federal fuel economy and greenhouse gas emission standards will jeopardize our efforts to reduce our reliance on fossil fuels,” he said. “The Administration’s decision is not based on scientific evidence whatsoever. It would result in job losses and cost Americans money at the pump.”

Rogers said Harris has led 34 Senate colleagues in a resolution affirming one national program and defending state authority under the Clean Air Act to protect citizens from harmful air pollution. “Now is the time to accelerate innovation forward toward a cleaner future, not threaten our health and our environment by rolling back these standards,” he said.

Dr. Alex Sherriffs, a Fowler doctor who is a member of the California Air Resources Board, said California and the federal government have to work together to fight greenhouse gases. This year has set records for wildfires in California, which led to the worst particulate pollutions for decades in the San Joaquin Valley. “Science tells us that climate change clearly is lengthening our wildfire season and our current wildfire behavior,” he said.

Sherriffs said the San Joaquin Valley’s annual premature mortality deaths from air pollution are measured in the hundreds. “We cannot afford to move backwards away from achievable goals,” he said.

Clare Statham, a Fresno grandmother of three, said two of her grandchildren have asthma and in the past three years she has developed symptoms. Statham said she wants the federal government to think about how reducing fuel economy standards would affect their children and grandchildren. Stringent fuel-efficient standards for cars are not too expensive when compared to medical costs, such as those incurred from two of her granddaughter’s emergency room visits, she said. “Please learn those facts before you define what ‘too expensive’ means.”

Alicia Contreras, the national organizing deputy director for Mi Familia Vota, came from Phoenix to speak at the hearing. Contreras said rolling back emissions standards would particularly harm minority communities who live in urban areas and already experience high levels of air pollution. “We think about the environment and what these rollback changes are going to do and how it will affect our Latino families,” she said.

“This is an economic justice issue,” she said.

Opponents of the EPA proposed emission standards began gathering about an hour before the meeting inside the old Pacific Gas & Electric building in downtown Fresno.

Linda Dunn of Clovis said she wanted to show her support for electric vehicles. Dunn said her entire family drives electric cars. “We like clean air,” she said.

Lucy Clark came from Kern County. “After 40 years of living in the Valley, I have developed adult onset asthma,” she said. “I don’t want the waiver that California has to be removed by this program. We need our clean regulations for clean air not just for old folks, but for our children.”

National parks bearing brunt of climate change, scientists find

Kurtis Alexander Sep. 24, 2018

Disappearing glaciers were an early sign of trouble for the nation's wildlands.

But the mark of global warming on the American landscape didn't end there. Devastating wildfires have since ravaged Yosemite. Rising seas have encroached on the Point Reyes Peninsula. Vast stands of trees have died in and around Kings Canyon.

A study released Monday finds that the country's national parks, which were designed to set aside and protect the most pristine and coveted spots in the United States, are being hit disproportionately by climate change.

Temperatures across 417 sites managed by the National Park Service, from the Florida Everglades to Yellowstone to Alaska's Mount Denali, have increased at twice the rate as the rest of the country, the study finds. The parks also have experienced greater declines in rainfall.

Such hotter, drier conditions are expected to persist in many of the parks, probably magnifying the harm that's already begun to afflict mountains, forests and the coast as well as the plants and animals that live there.

The Trump administration's unraveling of global warming policies and the National Park Service's backsliding on climate programs under President Trump stand only to exacerbate the risk.

"Up until our research, the severity of climate change across the national parks was unknown," said Patrick Gonzalez, a climate change scientist at UC Berkeley and lead author of the study. "Human-caused climate change exposes the national parks more severely than the rest of the United States."

The reason for the disproportionate hit is relatively simple. National parks encompass the country's most extreme environments where warming has generally been greater, the study notes. Many parks are at high elevations where the atmosphere is thinner and in the Arctic where the reflective snow cover has melted and more heat is being absorbed.

While the research, by scientists at UC Berkeley and the University of Wisconsin, does not detail the specific problems that national parks are facing, the study offers a first-of-its-kind analysis of the temperature and precipitation changes that are driving many of the problems. The findings are published in the journal Environmental Research Letters.

In California, 23 out of 27 park sites, including Golden Gate National Recreation Area, Death Valley and Joshua Tree, have seen temperatures rise since 1950, sometimes far more than 1 degree Celsius.

Rainfall changes in the parks have been more variable. While in most parts of the country, annual precipitation has increased from 1895 to 2010, rain totals decreased across 12 percent of parklands, according to the research. By comparison, just 3 percent of all U.S. lands has seen a decline.

Going forward, the researchers project the average temperature across national parks will rise about 5 to 7 degrees Celsius, or 9 to 13 degrees Fahrenheit, by 2100, roughly a half degree more than the rest of the country, under the study's most extreme modeling scenario. If heat-trapping emissions are capped as called for in the Paris climate agreement, average temperature increases will be limited to about 1 to 3 degrees Celsius, or roughly 2 to 6 degrees Fahrenheit.

Regardless of which scenario plays out, according to the study, parks in Alaska are expected to see the most warming.

While the study's precipitation models show wide variation in future rainfall, parks in Hawaii, the Virgin Islands and the American Southwest are projected to see the biggest declines.

Changes in temperature and rainfall, though, will probably have implications for most parks, in many cases well beyond what's already occurring.

In Yosemite, earlier research shows that forests as well as small mammals have begun shifting upslope to cooler areas as temperatures have risen, threatening wholesale disruption if the warming continues.

In Joshua Tree, the park's namesake tree is struggling amid intensifying heat, and researchers worry that much of the park could become unlivable for the tree if the trend persists.

In Point Reyes, oceans are washing farther up beaches as sea levels rise and the habitat of elephant seals may one day be at risk.

The National Park Service has long studied the impacts of climate change, with both federal scientists and independent researchers, and a commitment to conserving wildlands amid rising temperatures remains part of the agency's mission.

But Jonathan Jarvis, former director of the Park Service and now executive director of UC Berkeley's Institute for Parks, People and Biodiversity, said those in the Trump administration currently running the agency aren't making climate change a priority.

"What concerns me is there's no clear leadership on the issue," said Jarvis, who recently wrote a book, "The Future of Conservation in America: A Chart for Rough Water," on the challenges facing public lands.

"The Park Service in the past has played a leadership role ... and all of that is sort of lost at the moment," he said.

Jarvis said park leaders during his tenure had begun to look beyond park borders at nationwide climate adaptation strategies, such as creating large-scale wildlife corridors for animals to move to more hospitable places. But those far-reaching efforts, he said, have ceased under Trump.

The National Park Service did not respond to requests for comment before this story was published. Officials at Yosemite National Park also did not comment.

At many parks, research and action on climate change continue despite a change in priorities in Washington.

In Sequoia and Kings Canyon, scientists are looking into ways to make sure the giant sequoias endure amid a hotter, drier future. In other parks, researchers are looking to restore the shade provided by forests so rivers are cool enough for fish to survive. Elsewhere, wetlands are being restored to protect against sea level rise.

John Dell'Osso, chief of interpretation and resource education at Point Reyes National Seashore, said the Marin County park is constantly being monitored to make sure wildlife, from marine mammals to seabirds, adapt to climate change.

“We’re contemplating many what-if scenarios,” he said. “We’re kind of looking at everything.”

California defies Trump on climate change with new car emissions rules

BY DALE KASLER

dkasler@sacbee.com

September 28, 2018 11:15 AM

Defying the Trump administration on climate change, California’s air-pollution agency ruled Friday that automakers must comply with the state’s strict rules on greenhouse gases if they want to continue selling cars here.

The California Air Resources Board approved a regulation that will significantly curtail carbon spewed by new cars sold in the state, beginning in 2021.

The board’s vote is likely to intensify the state’s conflict with the Trump administration over greenhouse gases from cars, a fight that’s been brewing since shortly after President Donald Trump took office.

In August, Trump’s Environmental Protection Agency said it plans to relax the standards on tailpipe emissions — and force California to accept the new national regulations. California has vowed to fight the EPA’s plan, in court if necessary, and Friday’s vote is intended to solidify the state’s opposition to the Trump regulations.

“This is California girding for that battle,” said Deborah Sivas, an environmental law professor at Stanford University.

Automakers, who say dealing with multiple standards would be a logistical nightmare, urged the Air Resources Board to postpone the decision while the state is still talking to the Trump administration about a compromise. Friday’s vote “could lock the state into a position that would make further negotiations with the federal administration impossible,” the Association of Global Automakers said in written testimony to the board.

But California officials, urged on by representatives of seven states that have aligned themselves with California, were in no mood to back down. Air Resources Board Chairwoman Mary Nichols said the state remains willing to talk with the Trump administration but so far is being ignored.

“They do not see us as a partner or a collaborator in this process,” Nichols said.

Board member Hector De La Torre, a former Democratic assemblyman, added: “We have rights and we’re going to exercise those rights to the hilt.” He also scolded automakers for asking the Trump administration to roll back the standards in the first place.

The EPA says relaxing the rules will save car buyers an average of \$1,850 on every new vehicle purchased. Yet California officials and environmentalists say greener cars, despite their higher sticker prices, more than pay for themselves because of dramatic improvements in fuel mileage. As a practical matter, the most effective way of reducing greenhouse gas emissions from cars is by making lighter, more fuel efficient vehicles.

Tailpipe emissions account for about 28 percent of all greenhouse gases, according to the Air Resources Board. Gov. Jerry Brown’s administration has made fighting climate change a signature environmental issue, and the air board said allowing Trump’s plan to take effect would put millions of extra tons of carbon into the air.

The Trump administration, however, said the increased carbon emissions would be minimal — and wouldn’t matter in the scheme of things.

A draft environmental impact statement by the National Highway Traffic Safety Administration, which is working with the EPA on the standards, says temperatures will rise 7 degrees Fahrenheit by the end of the century regardless of what

happens to tailpipe emissions, the Washington Post reported Friday. That's considerably higher than many scientists have projected and could exacerbate the impacts of climate change.

The fight between Sacramento and Washington revolves around a complicated agreement struck early in the Obama administration. Starting in 2009, the state and federal governments essentially compromised on regulations to gradually scale back carbon emissions, year by year, on new cars.

Despite the compromise, California also retained the right to impose more stringent rules — a right it has under the federal Clean Air Act because of the state's historically bad pollution.

It took this step because there were minor differences between the state and federal greenhouse gas regulations. Even so, the state agreed that any automaker that followed the Obama administration's regulations on greenhouse gases would be "deemed to comply" with California's rules.

Now the Trump administration is derailing the compromise. Not only is it planning to relax the federal greenhouse gas restrictions, it announced in August it expects to revoke California's right to enforce its rules within its borders. The Trump administration won't finalize the new regulations until later this year.

The rules currently in effect, in California and nationwide, would reduce tailpipe carbon emissions about roughly one third over the next seven years. They would also increase fuel efficiencies from an average of about 35 miles per gallon to more than 54 mpg. The Trump plan announced in August would raise average fuel economy standards to an average of about 37 mpg.

By revoking California's special rights under the Clean Air Act, the Trump administration is also going after the state's "advanced clean car" regulations. Those regulations require automakers to dramatically increase the number of electric vehicles and plug-in hybrids they sell in California — from about 420,000 today to 1 million in 2025

The EPA said the mandate is unfair because automakers are raising prices of traditional vehicles in an effort to subsidize costs of the advanced cars, which are more costly and less popular.

PG&E settles lawsuit over pollution from old power plants in San Francisco

Bob Egelko Sep. 28, 2018 Updated: Sep. 28, 2018 4:22 p.m.

Pacific Gas and Electric Co. has agreed to monitor and possibly clean up any harmful pollution found in the San Francisco Bay near the Marina and Fisherman's Wharf neighborhoods to settle a lawsuit over discharges from power plants a century ago.

The settlement was announced Friday by the San Francisco Herring Association, which claimed in a 2014 lawsuit that carbon gases and coal tars from the long-shuttered plants were seeping into the bay and killing herring. The deal, approved by a federal judge, also includes \$4.9 million in payments from PG&E, some of it to the herring association and the rest for habitat restoration and cleanup.

"PG&E knew about this contamination for years and did nothing about it, all the while it was harming the herring stock on which fishermen and wildlife depend," Matt Ryan, president of the association, said in a statement.

PG&E said it agreed to the settlement "as part of our strong commitment to safety and the environment."

The utility said it does not believe current evidence "confirms any impact to herring or other aquatic species," and it was pleased that the agreement "provides for continued protection of bay waters through additional sampling, monitoring and remedial activities."

In the early 1900s, PG&E generated gas for San Francisco customers from coal and oil plants in the Marina and Fisherman's Wharf that deposited their waste into the ground and in waters that flowed into San Francisco Bay.

The last of the plants closed 87 years ago. But in 2010, two large black rocks in a Marina resident's yard were tested by PG&E and found to contain toxic levels of hydrocarbons of the type once generated by the power plants. Around the same time, members of the commercial herring fleet were drawing a connection between pollutants from the plants and the decline in the local herring population.

PG&E denied polluting the waters and said it acted promptly to clean up residential pollution, testing Marina District homes starting in 2010 and gaining city approval for a remediation program in 2012.

But U.S. District Judge William Orrick refused to dismiss the lawsuit in 2015. He said PG&E's refusal to test for contaminants in groundwater that flows into the bay meant that the former power plant sites "will continue to present an imminent and substantial endangerment to human health and the environment."

He said the plaintiffs had presented evidence of a 1997 inspection at the site of the Radisson Hotel at Fisherman's Wharf, the site of a former PG&E plant, showing high levels of contamination in soil and groundwater, and ongoing contamination in tidal and submerged lands in an inlet near Gashouse Cove.

Orrick also said San Francisco may have unintentionally spread contamination with a sewer and stormwater collection system the city built in the 1970s to carry waste to treatment plants. The lawsuit contended the system, which runs along Marina Green, has picked up gas-plant contamination from groundwater and failed to remove it before discharging the residue into the bay.

The settlement, effective for 10 years, requires PG&E to sample and monitor water near the two neighborhoods. If contamination reaches certain levels, the utility must propose remedial action to the regional Water Quality Control Board, which would decide whether to order a cleanup, said Stuart Gross, lawyer for the herring association.

PG&E, Gross said, has "resisted cleanup for 40 years."

Smoking bans at beaches and parks again fall to Gov. Jerry Brown's veto pen

(Genaro Molina / Los Angeles Times)

For the third year in a row, Gov. Jerry Brown rejected bills that would have restricted smoking at state beaches and parks, writing in his veto message Saturday that the "third time is not always a charm."

Citing the danger of sparking wildfires, the risk to public health and the problem of litter, Sen. Steve Glazer (D-Orinda) introduced twin bills that would have banned smoking tobacco and marijuana and the use of electronic cigarettes at parks and beaches, but allowed parks officials to designate smoking areas.

Assemblyman Marc Levine (D-San Rafael) had a narrower bill that would have banned smoking near picnic areas in state parks, hoping that a more limited restriction would avoid the governor's veto pen.

Both measures would have imposed \$25 fines, much lower than what was proposed in bills vetoed by Brown in previous years.

But the governor was not swayed by the offers of compromise.

"My opinion on the matter has not changed," Brown wrote in his veto message. "We have many rules telling us what we can't do and these are wide open spaces."

Brown's Vetoes. Would Newsom Do the Same?

By Joel Fox

Editor and Co-Publisher of Fox and Hounds Daily

Monday, October 1st, 2018

Here's a measuring stick to gauge a new governor: Would Gavin Newsom or John Cox veto the measures that Jerry Brown is vetoing in his last year on the job?

Let's consider just a few examples and focus on Gavin Newsom since the recent PPIC poll has him with a solid 11-point lead over Cox.

The legislature has bent over backwards to protect immigrants in the country illegally. This has been especially true since President Donald Trump used the immigrant question as a major emphasis of his presidency. Jerry Brown generally has been aboard this legislative effort.

Yet, last week he vetoed two bills that were deemed immigrant friendly.

One bill would bar immigration arrests inside state courthouses. The second would allow immigrants in the country illegally to serve on state boards and commissions. Senator Ricardo Lara authored both measures.

In rejecting the courthouse bill, Brown warned of unspecified unintended consequences. The veto of the latter bill, contained the message: "I believe existing law – which requires citizenship for these forms of public service – is the better path."

Gavin Newsom, squarely building his persona as the Anti-Trump, might be expected to look more favorably on both measures if he is elected governor and the bills come back. Unintended consequences are unknown. Newsom won't buy that reasoning.

An issue that Newsom repeats often is his stand against the spread of guns. He claimed in an ad during the primary season that he was the "first to take on the National Rifle Association and win," an assertion that was termed false by Politifact California.

Still, Newsom has dealt with gun issues since he was mayor of San Francisco and he pushed the successful Proposition 63 that imposed background checks on ammunition purchases and required a state license to sell ammunition.

It's a safe bet Newsom would be more receptive to the gun related bills that Gov. Brown vetoed. (It should be noted Brown did sign a number of gun related issues, most notably raising the age of a gun purchaser from 18 to 21.)

AB 2888 by Assemblymember Philip Ting would have enlarged the number of people who could petition the court for a gun violence restraining orders. SB 1177 by Senator Anthony Portantino would limit purchases of long guns to one a month. Newsom would likely be willing to give both measures a fresh look.

Almost assuredly, Newsom, the former mayor of San Francisco, would be open to SB 221, authored by Senator Scott Wiener and Assemblyman Phil Ting, that would have banned all gun and ammunition sales at the state-owned Cow Palace in San Francisco. Brown vetoed the bill.

Another bill authored by Weiner shot down by Brown was the plan to extend the sale of alcohol in bars and restaurants from 2 AM to 4 AM. As someone in the hospitality business, Newsom probably would be more accepting of this one.

For the third consecutive year Brown vetoed bills to prohibit smoking at state parks and beaches. He complained we have too "many rules telling us what we can't do." I doubt Newsom has embraced that rational, especially when it comes to smoking.

Republican John Cox, on the other hand, might well side with Brown on all these vetoes.

Of course, all this is a guessing game. But there will be a new sheriff in town come January and he will do things differently and decide things differently than his predecessor. Expect many of the vetoed bills to come back.

How fighting climate change will raise California gas prices even higher

BY DALE KASLER

dkasler@sacbee.com

October 02, 2018 10:01 AM

Last year the California Legislature raised gasoline taxes by 12 cents a gallon, and conservatives were so outraged they launched an effort to repeal it at the ballot box. Proposition 6 comes up for a vote in November.

Now, with considerably less fanfare, the state's air-pollution agency has enacted a regulation that will raise gas prices as much as 36 cents a gallon by 2030, and diesel by 44 cents, according to the agency's staff. Californians already pay an average \$3.73 a gallon for gas, or 85 cents above the national average.

The projected increases are part of the latest effort by the California Air Resources Board to fight climate change. The board last week voted to strengthen the state's "low carbon fuel standard," a fairly obscure regulation that requires oil refiners and makers of other fuels to reduce the "carbon intensity" of their products, including the greenhouse gases generated during production and distribution of the fuels.

As it is, the seven-year-old regulation costs California motorists an estimated 12 cents a gallon at the pump, according to Irvine energy consultant Stillwater Associates. The oil industry, which has been fighting the Air Resources Board over the rule for years, said the latest decision makes a bad regulation even worse.

"The cost of this program, given these increases, is definitely impactful on consumers," said Catherine Reheis-Boyd, president of the Western States Petroleum Association. "It really is a hidden gas tax that takes more out of the pockets of consumers."

Reheis-Boyd said oil companies support efforts to curb greenhouse gases but "you don't want to bring unnecessary economic harm to your state."

Officials with the Air Resources Board defend the low carbon regulation as an effective weapon that's eliminated 35 million tons of carbon from the atmosphere since its inception.

Last week's decision "will take California's climate fight up another notch," board Chairwoman Mary Nichols said in a prepared statement.

The fuel standard isn't as well known as California's "cap-and-trade" program, which forces food processors, cement makers and other industrial firms to reduce carbon emissions. Cap-and-trade requires fuel wholesalers to reduce emissions as well, and the costs of compliance are raising gas prices by an estimated 10 to 12 cents a gallon. That's in addition to the higher costs caused by the low carbon fuel standard.

The low carbon rule goes beyond the cap-and-trade mechanism. Not only does it measure fuels' carbon content, it also takes into account the emissions generated when those fuels are manufactured and distributed – from the carbon spewed into the air by refineries to the emissions from rail cars that haul Midwest corn to California as feedstock to produce the fuel additive ethanol.

Fuel manufacturers who can't meet the standard must buy credits from clean-fuel manufacturers whose products, such as ethanol, surpass the standard. Electric utilities can generate credits, too, when their infrastructure is used to charge electric cars.

When fuel manufacturers buy credits, the costs they incur are passed on to motorists in the form of higher gas and diesel prices. The carbon standard gets a little stricter each year, and the cost of credits has risen. That's putting more upward pressure on fuel prices – a trend that will continue in the next decade with the newly revised standards.

The old regulation required fuel makers to lower their “carbon intensity” by 10 percent in 2020, as compared to 2010 levels. The new regulation will require them to gradually reduce carbon intensities by 20 percent by 2030, also compared to the 2010 baseline.

Dave Hackett, president of the Stillwater firm, said California is finding it's tougher to reduce the “carbon intensity” than originally believed. The new regulation actually takes a step back in one sense; the new target for 2020 is just a 7.5 percent reduction in carbon instead of the original 10 percent, and then inches up each year to a 20 percent target in 2030.

Hackett said achieving a 20 percent reduction won't be easy. “Getting past 10 percent is going to be an interesting struggle,” he said.

Recognizing the difficulty in reducing carbon from the transportation sector, the new regulation will increase the rebates for motorists to buy carbon-free electric vehicles by augmenting incentive programs run by SMUD, PG&E and many of the state's other electric utilities. The utilities are participants in the low-carbon program and generate credits when their infrastructure is used to charge electric cars' batteries. They then sell those credits to oil companies and other fuel makers struggling to comply with the rules, generating cash for the car-buying incentives.

The incentives could go as high as \$2,000 per vehicle but the numbers haven't been finalized yet, said Air Resources Board spokesman David Clegern.

“We want to accelerate the sale of cars that replace gasoline with electricity,” Steven Douglas, of the Alliance of Automobile Manufacturers, told the Air Resources Board last week.

Out-of-state fuel makers have been challenging the regulation in court for years, arguing that the rules penalize those shipping fuel and raw materials a long distance to California. That violates the U.S. Constitution, which forbids states from limiting interstate commerce, they argue. The courts ruled in favor of the California regulation in 2013 but a new challenge is pending in the 9th Circuit U.S. Court of Appeals.

The following page(s) contain the backup material for Agenda Item: [Hold a public meeting to consider the adoption of the Mojave Desert AQMD AB 617 BARCT Implementation Schedule \(H&S Code §40920.6\(c\)\(1\)\) \(BARCT Implementation Schedule\): a. Hold public meeting; b. Receive public testimony; c. Make a determination that the](#)

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #15

PAGE 1

DATE: October 22, 2018

RECOMMENDATION: Hold a public meeting to consider the adoption of the *Mojave Desert AQMD AB 617 BARCT Implementation Schedule (H&S Code §40920.6(c)(1))* (BARCT Implementation Schedule): a. Hold public meeting; b. Receive public testimony; c. Make a determination that the CEQA Categorical Exemption applies; d. Certify the Notice of Exemption; e. adopt the *Mojave Desert AQMD 617 BARCT Implementation Schedule (H&S Code §40920.6(c)(1))*.

SUMMARY: The BARCT Implementation Schedule is the MDAQMD's response towards the enactment of Assembly Bill 617 of 2017 and commits the District to perform certain analyses and potential future rule development.

CONFLICT OF INTEREST: None.

BACKGROUND: Assembly Bill 617 of 2017 included a specific requirement that each district in a nonattainment area must adopt an expedited schedule for the implementation of best available retrofit control technology (BARCT), by the earliest feasible date, but in any event not later than December 31, 2023, for each industrial source that, as of January 1, 2017, was subject to a market-based compliance mechanism adopted by the state board pursuant to subdivision (c) of Section 38562. It also requires the adopted schedule to make certain specified findings after a public meeting (H&S Code 40920.6(d)).

The MDAQMD is located in a nonattainment area for Ozone and has four industrial sources subject to the market based compliance mechanism. Three of the identified sources are cement kilns. The MDAQMD has determined that the recently-amended Rule 1161 meets the AB 617 BARCT requirements for Portland cement kilns. The remaining identified source is Searles Valley Minerals in Trona, California, which contains several large industrial boilers. By adopting the BARCT Implementation Schedule the MDAQMD commits to identifying one or more potential control options for Large Industrial Boilers, reviewing the cost-effectiveness of each potential control options, calculating the incremental cost-effectiveness of each potential control option, and then a Large Industrial Boiler Rule in 2019 containing an expedited implementation schedule and final compliance date not later than December 31, 2023. In addition, the specific findings required pursuant to H&S Code 40920.6(d) are provided in the text of the BARCT Implementation Schedule.

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VICTORVILLE, CALIFORNIA**

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Adoption of the BARCT Implementation Schedule meets the definition of a “project” pursuant to CEQA and is not a ministerial action. It is exempt from CEQA review in that the action in and of itself does not make any changes to District Rules and Regulations and only commits the District to perform analyses and potential rule-making in the future, with any environmental effects from any potential rule-making to be analyzed and addressed in the rule-making action itself. A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the adoption of the Mojave Desert AQMD AB 617 BARCT Implementation Schedule pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §40920.6(d) hold a public meeting before adopting the BARCT Implementation Schedule.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about September 28, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations

Mojave Desert AQMD

AB 617 BARCT Implementation Schedule (H&SC §40920.6(c)(1))

Assembly Bill 617 of 2017 (Health & Safety Code §40920.6) includes a specific requirement for each district that is a nonattainment area for one or more air pollutants to adopt an expedited schedule for the implementation of best available retrofit control technology (BARCT), by the earliest feasible date, but in any event not later than December 31, 2023, for each industrial source that, as of January 1, 2017, was subject to a market-based compliance mechanism adopted by the state board pursuant to subdivision (c) of Section 38562.

AB 617 BARCT Applicability

The MDAQMD is a nonattainment area for California ozone and respirable particulate matter standards and includes four sources that were subject to a market-based state board compliance mechanism as of January 1, 2017.¹

ARBID	FacilityName	Facility Address	Sector	Air District
100011	Searles Valley Minerals Inc.	Trona	Other Combustion Source	Mojave Desert AQMD
100013	CalPortland Company Oro Grande Plant	Oro Grande	Cement Plant	Mojave Desert AQMD
101010	Mitsubishi Cement 2000	Lucerne Valley	Cement Plant	Mojave Desert AQMD
101476	Cemex Construction Materials Pacific LLC - Victorville Plant	Apple Valley	Cement Plant	Mojave Desert AQMD

These four sources fall into two categories: Portland cement plants and large industrial boilers.

Portland Cement Kiln BARCT

The MDAQMD has a source specific rule for Portland cement kilns: Rule 1161 - *Portland Cement Kilns*, most recently amended on January 22, 2018. During that amendment process the MDAQMD identified all potential control options for Portland cement kilns (selective catalytic reduction, selective non-catalytic reduction, calciner upgrade, bio-solids injection (BSI) and tire-derived fuel (TDF)), reviewed the cost-effectiveness of all potential control options for Portland cement kilns, and reviewed those findings at a public meeting prior to the adoption hearing.² The MDAQMD determined that a limit of 2.8 pounds of NOx per ton of clinker, resulting from the use of BSI and TDF in existing kilns, was cost effective for all Portland cement kilns. As this limit applies to all three Portland cement kiln sources subject to the AB 617 BARCT requirement and this limit was adopted through an amendment process that complies with

¹ The market-based compliance mechanism cited in H&S Code §40920.6(c) is the California Air Resources Board's Cap-and-Trade Program (Program). AB 617 does not expressly define the term "industrial source" the Program includes particular provisions for covered entities that refer to "industrial sectors", "industrial covered entities", "industry assistance", and "industrial facilities." These provisions relate the term "industrial" to certain covered entities or facilities that are eligible for free allowance allocation under the Program. The list provided includes any covered entity that is eligible for free allowance allocation in accordance with the Program requirements based on its engagement in an activity within a particular North American Industrial Code System (NAICS) Code listed in Table 8-1 of the Program. The list excludes opt-in covered entities, and any industrial sources that became subject to the Program after January 1, 2017.

² MDAQMD, "Final Staff Report Amendments to Rule 1161 – *Portland Cement Kilns*, Amended on January 22, 2018"

the specific AB 617 BARCT consideration and review requirements, the MDAQMD hereby determines that recently amended Rule 1161 meets the AB 617 BARCT requirement for this source category.

Large Industrial Boiler BARCT

Four large industrial boilers are included in the other listed source, Searles Valley Minerals in Trona, California (see below).

C#	F#	Facility	City	P#	Permit Description
9	2	SVM - Trona Plant	Trona	M000483	BOILER NO. 22
9	7	SVM - West End Plant	Trona	B009992	BOILER (NO. 5)
879	1735	SVMU - Utilities Argus Facility	Trona	B000555, C000557, C000558	BOILER, FOSSIL FUEL FIRED (NO. 25)
879	1735	SVMU - Utilities Argus Facility	Trona	B000554, C000559, C000561	BOILER, FOSSIL FUEL FIRED (NO. 26)

For these large industrial boilers, the MDAQMD will identify one or more potential control options, review the cost-effectiveness of each potential control option, calculate the incremental cost-effectiveness of each potential control option, and then consider and review that information at a public meeting. The MDAQMD will complete this process during calendar year 2019, including the adoption of a large industrial boiler rule (if necessary) with an expedited implementation schedule with a final compliance date not later than December 31, 2023.

Other Sources

Each of the four identified sources is a complex industrial facility. The above discussed kilns and boilers produce the emissions that made each facility subject to the California Air Resources Board's Cap and Trade Program and therefore AB 617 BARCT. Any other control options considered for these sources will be analyzed in accordance with all applicable requirements, including AB 617 mandatory considerations.

Mandatory Considerations

Public Meeting (H&SC §40920.6(d))

This expedited implementation schedule, and the results of the various control option and cost-effectiveness analyses, will be discussed at public meetings.

Local Public Health and Clean Air Benefits (H&SC §40920.6(d)(1))

None of the AB 617 BARCT sources represent a risk to local public health; each is in compliance with all current air quality-related health requirements, including all of criteria, hazardous and toxic air contaminants. The Portland cement kiln BARCT requirements adopted in Rule 1161 represented a maximum 56% reduction in oxides of nitrogen emissions with a commensurate significant clean air benefit.

Cost Effectiveness (H&SC §40920.6(d)(2))

The MDAQMD evaluates every rule proposal for cost effectiveness, and will do so for the large industrial boiler rule. The Portland cement kiln BARCT requirements adopted in Rule 1161 were found to be cost-effective at \$1,281 per ton of oxides of nitrogen reduced (2017 dollars).

Air Quality and Attainment Benefits (H&SC §40920.6(d)(3))

The MDAQMD is overwhelmingly impacted by transported air pollution from upwind, primarily originating in the South Coast Air Basin (SCAB). This transported air pollution results in the air monitoring stations closest to the SCAB boundary having the worst air quality (Phelan and Hesperia), and those furthest from the SCAB boundary having the best air quality (Barstow and Trona). The air monitoring stations with the worst air quality are the attainment design value locations, dictating the attainment process for the entire region. As the four AB 617 BARCT sources are downwind of Phelan and Hesperia and do not affect their air quality, AB 617 BARCT implementation within the MDAQMD will result in local air quality benefits but no attainment benefit.

Please contact Alan De Salvio, Deputy Director – Mojave Operations, at adesalvio@mdaqmd.ca.gov or 760-245-1661 x6726 if you need further information on this document.

NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

X MDAQMD Senior Executive Analyst

PROJECT TITLE: MDAQMD AB 617 BARCT Implementation Schedule (Cal H&SC §40920.6(c)(1))

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The Mojave Desert AQMD AB 617 BARCT Implementation Schedule is in response to the implementation of Assembly Bill 617 on July 26, 2017, which required each district that is a nonattainment area for one or more air pollutants to adopt an expedited schedule for the implementation of best available retrofit control technology (BARCT), by earliest feasible date, but in any event not later than December 31, 2023, for each industrial source that, as of January 1, 2017, was subject to market-based compliance mechanism adopted by the state board pursuant to subdivision (c) of Section 38562.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The Mojave Desert AQMD AB 617 BARCT Implementation Schedule is exempt from CEQA review because it will not create any adverse impacts on the environment and therefore, a Class 8 categorical exemption (14 Cal. Code Reg. § 15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** 10/22/2018

DATE RECEIVED FOR FILING:

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

X MDAQMD Senior Executive Analyst

PROJECT TITLE: MDAQMD AB 617 BARCT Implementation Schedule (Cal H&SC §40920.6(c)(1))

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The Mojave Desert AQMD AB 617 BARCT Implementation Schedule is a response towards the enactment of Assembly Bill 617 on July 26, 2017, which required each district that is a nonattainment area for one or more air pollutants to adopt an expedited schedule for the implementation of best available retrofit control technology (BARCT), by earliest feasible date, but in any event not later than December 31, 2023, for each industrial source that, as of January 1, 2017, was subject to market-based compliance mechanism adopted by the state board pursuant to subdivision (c) of Section 38562.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The Mojave Desert AQMD AB 617 BARCT Implementation Schedule is exempt from CEQA review because it will not create any adverse impacts on the environment and therefore, a Class 8 categorical exemption (14 Cal. Code Reg. § 15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** 10/22/2018

DATE RECEIVED FOR FILING:

The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the adoption of the Federal Negative Declaration for One Control Techniques Guidelines Source Category \(Motor Vehicle Materials\): a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close p](#)

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #16

DATE: October 22, 2018

RECOMMENDATION: Conduct a public hearing to consider the adoption of the *Federal Negative Declaration for One Control Techniques Guidelines Source Category (Motor Vehicle Materials)*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the *Federal Negative Declaration for One Control Techniques Guidelines Source Category (Motor Vehicle Materials)* and directing staff actions.

SUMMARY: The adoption of the *Federal Negative Declaration for One Control Techniques Guidelines Source Category* is necessary because for those source categories not represented within the area designated non-attainment for ozone, the United States Environmental Protection Agency (USEPA) requires the submission of a Federal Negative Declaration (FND) certifying that those sources are not present.

CONFLICT OF INTEREST: None

BACKGROUND: The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by the United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. Effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm. For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as Severe-15 for the new 0.075 ppm 8-hour standard. As a result of the shift to the 0.075 ppm standard, the District is required to update rules to meet RACT requirements. For those CTG source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a Federal Negative Declaration (FND) certifying that those sources are not present. These “Federal Negative Declarations” are different from the Negative Declarations associated

with the

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #16

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California Environmental Quality Act (CEQA). Instead, these FNDs, once adopted by the Governing Board, will serve as official certification to the USEPA that there are stationary sources or emitting facilities in these categories located within the area designated as non-attainment for ozone within the MDAQMD.

In the process of examining the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008), the MDAQMD discovered that one CTG source category was not adequately covered in the MDAQMD rule book. The MDAQMD then examined its permit files, emissions inventory and other documentation and has determined that there are no sources which meet the CTG threshold for the CTG source category of Motor Vehicle Materials (Table 6), located within the jurisdiction of the MDAQMD and none are anticipated in the near future. The MDAQMD is now proposing to adopt a FND for this CTG source category. There are no emission reductions associated with this action because it does not change any existing rules or regulations.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD to meet the requirements of CEQA.

REASON FOR RECOMMENDATION: 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about October 8, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations.

RESOLUTION NO. 18-_____

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION ADOPTING THE FEDERAL NEGATIVE DECLARATIONS FOR TWO CONTROL TECHNIQUES GUIDELINES SOURCE CATEGORIES AND DIRECTING STAFF ACTIONS.

On October 22, 2018, on motion by Member _____, seconded by Member _____, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, the Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by the United States Environmental Protection Agency (USEPA) and for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors; and

WHEREAS, effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm; and

WHEREAS, for purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as Severe-15 for the new 0.075 ppm 8-hour standard; and

WHEREAS, as a result of the shift to the 0.075 ppm standard, the District is required to update rules to meet RACT requirements when the District had sources subject to CTG applicability thresholds for CTG source categories; and

WHEREAS, for those CTG source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a Federal Negative Declaration (FND) certifying that those sources are not present; and

WHEREAS, these “Federal Negative Declarations” are different from the Negative

RESOLUTION NO. 18-_____

1 Declarations associated with the California Environmental Quality Act (CEQA); and

2 **WHEREAS**, these FNDs, once adopted by the Governing Board, will serve as
3 official certification to the USEPA that there are no stationary sources or emitting facilities
4 in these categories located within the area designated as non-attainment for ozone within the
5 MDAQMD; and

6 **WHEREAS**, in the process of examining the *Control Techniques Guidelines for*
7 *Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008), the
8 MDAQMD discovered that the CTG source category for Motor Vehicle Materials (CTG
9 Table 6) was not adequately covered in the MDAQMD rule book; and

10 **WHEREAS**, the MDAQMD then examined its permit files, emissions inventory and
11 other documentation and has determined that there are no sources which meet the CTG
12 threshold for the CTG source category of Motor Vehicle Materials (CTG Table 6), located
13 within the jurisdiction of the MDAQMD and none are anticipated in the near future; and

14 **WHEREAS**, the MDAQMD is now proposing to adopt a FND for this CTG source
15 category; and

16 **WHEREAS**, there are no emission reductions associated with this action because it
17 does not change any existing rules or regulations; and

18 **WHEREAS**, the proposed adoption of the *FND for One CTG Source Category* is
19 necessary as indicated herein and in the supporting documentation; and

20 **WHEREAS**, the MDAQMD has the authority pursuant to H&S Code §40702 to
21 amend rules and regulations and to do such actions that are necessary or proper to execute
22 the powers and duties granted to and imposed upon MDAQMD; and

23 **WHEREAS**, the proposed adoption of the *FND for One CTG Source Category* is
24 clear in that it is written so that persons can easily understand the scope and necessity of the
25 FND; and

26 **WHEREAS**, the adoption of the *FND for One CTG Source Category* is in harmony
27 with, and not in conflict with, or contradictory to existing statutes, court decisions, or state
28 or federal regulations; and

RESOLUTION NO. 18-_____

1 **WHEREAS**, the adoption of the *FND for One CTG Source Category* does not
2 impose the same requirements as an existing state or federal law or regulation because
3 federal law requires the adoption and certification of “Negative Declarations” for those
4 source categories not represented within the area designated non-attainment for ozone which
5 are covered by a CTG or which meet the definition of a major source; and

6 **WHEREAS**, the adoption of the *FND for One CTG Source Category* is necessary
7 because for those source categories not represented within the area designated non-attainment
8 for ozone, and covered by a CTG or which meet the definition of a major source, USEPA
9 requires the submission of a FND certifying that those sources are not present; and

10 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to
11 H&S Code §40725, concerning the adoption of the *FND for One CTG Source Category*; and

12 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR
13 §15308) for the proposed adoption of the *FND for One CTG Source Category*, completed in
14 compliance with the California Environmental Quality Act (CEQA), has been presented to
15 the MDAQMD Governing Board; each member having reviewed, considered and approved
16 the information contained therein prior to acting on the proposed adoption of the *FND for*
17 *One CTG Source Category*, and the MDAQMD Governing Board having determined that the
18 proposed amendments will not have any potential for resulting in any adverse impact upon
19 the environment; and

20 **WHEREAS**, the MDAQMD Governing Board has considered the evidence presented
21 at the public hearing; and

22 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
23 MDAQMD finds that the adoption of the *FND for One CTG Source Category* is necessary,
24 authorized, clear, consistent, non-duplicative and properly referenced; and

25 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD
26 hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and
27 certifies the Notice of Exemption for the proposed adoption of the *FND for One CTG Source*
28 *Category*; and

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BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption, and that the Senior Executive Analyst is directed to file the Notice of Exemption in compliance with the provisions of CEQA.

AYES:	MEMBER:
NOES:	MEMBER:
ABSENT:	MEMBER:
ABSTAIN:	MEMBER:

I, Deanna Hernandez, Senior Executive Analyst of the Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of October 22, 2018.

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Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

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Visit our web site: <http://www.mdaqmd.ca.gov>

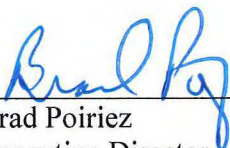
Brad Poiriez, Executive Director

Mojave Desert Air Quality Management District Federal Negative Declaration (8 hr Ozone Standard) for *One Control Technologies Guidelines Source Category*

The *Federal Clean Air Act* (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt and maintain rules requiring certain sources of air pollution to implement Reasonably Available Control Technology (RACT). Rules are required for all sources of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NOx) in source categories covered by a Control Techniques Guidelines (CTG) document issued by the United States Environmental Protection Agency (USEPA) and for any other major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA 182(b)(2)). If a rule is unnecessary because a source category does not exist within the affected area USEPA requires the submission of a Federal Negative Declaration (FND) to certify that those sources are not present. Effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm. For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as Severe-15 for the 0.075 ppm 8-hour standard. As a result of the shift to the 0.075 ppm standard, USEPA is requiring that all non-attainment areas submit an updated RACT State Implementation Plan (SIP) Analysis. The purpose of the RACT SIP Analysis is to ensure that District Rules adequately address current RACT requirements.

In the process of examining the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008), the MDAQMD discovered that one CTG source category was not adequately covered in the MDAQMD rule book. The MDAQMD then examined its permit files, emissions inventory and other documentation and has determined that there are no sources which meet the CTG threshold for the CTG source category of Motor Vehicle Materials, located within the jurisdiction of the MDAQMD and none are anticipated in the near future.

I certify on behalf of the MDAQMD that, to my knowledge, the MDAQMD does not have any major stationary sources or sources subject to the applicable CTG threshold in the referenced categories listed in Attachment "A" located within the jurisdiction of the District. Therefore the MDAQMD requests the USEPA to approve this Federal Negative Declaration for the 8 hour Ozone Standard and include it in the State Implementation Plan for the MDAQMD.



Brad Poiriez
Executive Director

September 5, 2018
Date

Attachment A

Source Category	Control Technologies Guidelines Document Covering Action
New FND	
Motor Vehicle Materials	1. Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts (EPA - 453/R-08-003, September 2008).

Mojave Desert
Air Quality Management District



Draft
Staff Report
Adoption of
*Federal Negative Declaration for
One Control Techniques Guidelines
Source Category*

For adoption on
October 22, 2018

14306 PARK AVE, VICTORVILLE, CA 92392-2310
PHONE: (760) 245-1661
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STAFF REPORT
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Control Techniques Guidelines Source Category

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List of Acronyms

BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CTG	Control Techniques Guidelines
FCAA	Federal Clean Air Act
FND	Federal Negative Declaration
H&S Code	California Health & Safety Code
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NO _x	Oxides of Nitrogen
RACT	Reasonably Available Control Technology
SBCAPCD	San Bernardino County Air Pollution Control District
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO _x	Oxides of Sulfur
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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STAFF REPORT

Federal Negative Declaration for One Control Techniques Guidelines Source Category

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by the United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. Effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm. For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as Severe-15 for the new 0.075 ppm 8-hour standard. As a result of the shift to the 0.075 ppm standard, the District is required to update rules to meet RACT requirements. For those CTG source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a Federal Negative Declaration (FND) certifying that those sources are not present. These “Federal Negative Declarations” are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, these FNDs, once adopted by the Governing Board, will serve as official certification to the USEPA that there are no stationary sources or emitting facilities in these categories located within the area designated as non-attainment for ozone within the MDAQMD. In the process of examining the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008), the MDAQMD discovered that one CTG source category was not adequately covered in the MDAQMD rule book. The MDAQMD then examined its permit files, emissions inventory and other documentation and has determined that there are no sources which meet the CTG threshold for the CTG source category of Motor Vehicle Materials (Table 6), located within the jurisdiction of the MDAQMD and none are anticipated in the near future. The MDAQMD is now proposing to adopt a FND for this CTG source category. There are no emission reductions associated with this action because it does not change any existing rules or regulations.

III. STAFF RECOMMENDATION

MDAQMD staff and the Technical Advisory Committee (TAC) recommends that the Governing Board of the MDAQMD, after conducting a public hearing, adopt the *Federal Negative Declaration for One Control Techniques Guidelines Source Category*. Such action is necessary to satisfy the federal requirements for submission of FNDs for each source category not represented within the District covered by a CTG or which meets the definition of a major source.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct adoption of the *Federal Negative Declaration for One Control Techniques Guidelines Source Category*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Non-duplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- N/A Public Notice & Comment
- N/A Availability of Document
- N/A Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- N/A Public Hearing
- N/A Legal Authority to adopt and implement the document.
- N/A Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION:

- N/A Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- X Exemption
- N/A Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

OTHER:

- X Written analysis of existing air pollution control requirements
- X Economic Analysis
- X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the adoption of the *FND for One CTG Source Category*. Since this document is required to be adopted pursuant to public notice and other requirements under 42 USC 7410(a)(2), the district considers the rule adoption process pursuant to H&S Code §40702 to be a proper way to meet these requirements. Therefore, these are actions, that need to be performed, and/or information that must be provided, in order to adopt this document in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Governing Board in making these findings.

a. Necessity

The adoption of the *FND for One CTG Source Category* is necessary because for those source categories not represented within the area designated non-attainment for ozone, and covered by a CTG or which meets the definition of a major source, USEPA requires the submission of a FND certifying that those sources are not present. In the process of examining the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings*, the MDAQMD discovered that one CTG source category was not adequately covered in the MDAQMD rule book. The MDAQMD then examined its permit files, emissions inventory and other documentation and has determined that there are no sources which meet the CTG threshold for the CTG source category of Motor Vehicle Materials, located within the jurisdiction of the MDAQMD and none are anticipated in the near future. The MDAQMD is now proposing to adopt a FND for this CTG source category.

b. Authority

MDAQMD has the authority pursuant to H&S Code §40702, 40725-40728 to adopt, amend or repeal rules and regulations and to do such actions that are necessary or proper to execute the powers and duties granted to and imposed upon MDAQMD.

c. Clarity

The adoption is clear in that it is written so that persons can easily understand the scope and necessity of the FND.

d. Consistency

The adoption of the *FND for One CTG Source Category* is in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions.

e. Non-duplication

The adoption of the *FND for One CTG Source Category* does not impose the same requirements as an existing state or federal law or regulation because federal law requires the adoption and certification of “Negative Declarations” for those source categories not represented within the area designated non-attainment for ozone which are covered by a CTG or which meet the definition of a major source.

f. Reference

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations.

g. Public Notice & Comment, Public Hearing

Notice for the public hearing for the proposed adoption of the *FND for One CTG Source Category* will be published September 22, 2018, and the public comment period will end October 22, 2018. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and MDAQMD responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals)

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law, which requires the submittal. The information below indicates which elements were required for the adoption of the *FND for One CTG Source Category* and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements

The adoption of the *FND for One CTG Source Category* is subject to all the requirements for a SIP submittal because this “Negative Declaration” will be included in the MDAQMD SIP. The criteria

for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment

Notice for the public hearing for the proposed adoption of the *FND for One CTG Source Category* will be published September 22, 2018, and the public comment period will end October 22, 2018. See Appendix “B” for a copy of the public notice.

c. Availability of Document

Copies of the proposed adoption of the *FND for One CTG Source Category* and the accompanying draft staff report will be made available to the public on or before September 22, 2018. The proposed amendments were also reviewed by the Technical Advisory Committee, a committee consisting of a variety of regulated industry and local governmental entities, on September 4, 2018. The TAC recommended approval for adoption of the *FND for One CTG Source Category*.

d. Notice to Specified Entities

Copies of the proposed adoption of the *FND for One CTG Source Category* and the accompanying draft staff report will be mailed to all affected agencies, including but not limited to CARB and USEPA. The proposed amendments will be sent to CARB and USEPA on or before September 6, 2018.

e. Public Hearing

A public hearing to consider the proposed adoption of the *FND for One CTG Source Category* is set for October 22, 2018.

f. Legal Authority to Adopt and Implement

The MDAQMD has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the MDAQMD.

g. Applicable State Laws and Regulations Were Followed

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code

§40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the California Environmental Quality Act (CEQA).

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The adoption of the *FND for One CTG Source Category* is required to adopt and certify the FND for that source category not represented within the area designated non-attainment for ozone.

The District has determined it has no facilities that are subject to the CTG source category for Motor Vehicle Materials (Table 6). It was determined that the District does not have any major facilities, or other facilities that meet the CTG applicability threshold of VOC emissions, or other CTG criteria, from all motor vehicle materials surface coating operations, including related cleaning activities, equal to or exceeding 15 lb/day.

The MDAQMD does have a rule for automotive refinishing operations. Rule 1116 – *Automotive Refinishing Operations* as amended 08/23/2010 is SIP approved (77 FR 47536, 08/09/2012). This rule is applicable to any person who uses, applies, or, solicits the use or application of any automotive coating or associated solvent within the District. This rule also applies to any person who supplies, sells, offers for sale, manufactures, or distributes any automotive coating or associated solvent for use within the District.

The *CTG for Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008) applies to facilities where actual VOC emissions from all miscellaneous metal and plastic parts surface coating operations, including related cleaning activities, at that facility, are equal or exceed 15 lb/day (6.8 kg/day), or an equivalent of 2.7 tons per 12-month rolling period, before consideration of controls. This CTG applies to *new* finish operations that are *not* an automobile or light-duty truck assembly coating facility. Automobile refinish coatings are *not* covered in the CTG coating categories to the extent they are defined in their respective national VOC rules. If, however, such coating were applied to a metal box or plastic box, the coating would be included in the miscellaneous metal products coatings category and covered by the CTG for that category, as well as being subject to the national VOC rule for automobile refinish coatings. This CTG does not cover aerosol coatings.

The MDAQMD has examined its permit files, emissions inventory and other documentation and has determined that while it has facilities that apply coatings from the categories listed in Table 6 of the *CTG for Miscellaneous Metal and Plastic Parts Coatings*, none meet the applicability threshold or other specific criteria in the CTG. Therefore, the MDAQMD will adopt and certify a FND there are no sources in the one source category referenced in Attachment A, located within the jurisdiction of the MDAQMD and none are anticipated in the near future.

C. ECONOMIC ANALYSIS

1. General

Adoption of the FND will identify a CTG source category not represented within the area designated non-attainment. The adoption will have no economic impact.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds, oxides of nitrogen or oxides of sulfur.

The adoption of the *FND for One CTG Source Category* is not subject to incremental cost effectiveness calculations because this rule does not impose BARCT or “all feasible measures.”

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below, it was determined that a Notice of Exemption would be the appropriate CEQA process for the adoption of the *FND for One CTG Source Category*.

1. The adoption of the *FND for One CTG Source Category* meets the CEQA definition of “project.” They are not “ministerial” actions.

2. The adoption of the *FND for One CTG Source Category* is exempt from CEQA review because it will not create any adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

There are no potential negative environmental impacts of compliance with the adoption of the FND.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix “B.”

VI. TECHNICAL DISCUSSION

USEPA required that all non-attainment areas submit an updated *RACT SIP Analysis*. The purpose of the *RACT SIP Analysis* is to ensure that District Rules adequately address current RACT requirements. In the process of examining the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008), the MDAQMD discovered that one CTG source category was not adequately covered in the MDAQMD rule book. The MDAQMD then examined its permit files, emissions inventory and other documentation and has determined that there are no sources for Motor Vehicle Materials (CTG Table 6) located within the jurisdiction of the MDAQMD and none are anticipated in the near future.

In the future, if a source in one of the affected categories applies for a permit and the source is located at a major facility or it emits more than 25 tons of nonattainment air contaminants, it will be required pursuant to District Rule 1301 (A) to have Best Available Control Technology (BACT). If the new source is subject to the provisions of District Rule 1320 then it will be required to have toxics BACT and/or comply with the applicable Maximum Achievable Control Technology (MACT) Standard. In such a situation the District will also be required to adopt or amend a RACT level rule for the new source.

The *CTG for Miscellaneous Metal and Plastic Parts Coatings* applicability threshold of actual VOC emissions from all miscellaneous metal and plastic parts surface coating operations, including related cleaning activities, at that facility, are equal or exceed 15 lb/day (6.8 kg/day), or an equivalent of 2.7 tons per 12-month rolling period, before consideration of controls

It was determined that the District does not have any facilities that meet the CTG applicability threshold of VOC emissions from motor vehicle materials. Therefore a FND has been prepared for this category as shown in Table 1.

Please note that pursuant to the CTG, automobile refinish coatings are not included in the miscellaneous metal parts or plastic parts coating categories to the extent they are used for automobile refinish coating purposes as defined in the National VOC Rule (National Volatile Organic Compound Emission Standards for Automobile Refinishing Coatings (40 CFR 59 Subpart B)). Such a coating, when used for automobile refinishing as defined in the National Rule, is not included in the miscellaneous metal or plastic parts coating category. However, if such coating was applied to a metal or plastic box outside the process of an original manufacturing plant or in the case of body collision repairs, the coating would be covered by this particular CTG as well as the National VOC Rule. The district does not have any operations that coat miscellaneous metal or plastic parts with motor vehicle materials coatings (CTG Table 6) that is not solely subject to the National VOC Rule.

Table 1
Proposed Federal Negative Declaration

Source Category	Control Technologies Guidelines Document Covering Action
New FND	
Motor Vehicle Materials	1. Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts (EPA - 453/R-08-003, September 2008).

E. SIP HISTORY

1. SIP History

a. SIP in the San Bernardino County Portion of MDAQMD

On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Since SIP revisions in California are adopted by USEPA as effective in areas which happen to be defined by both air basin designations and the jurisdictional boundaries of local air districts within those air basins, the MDAQMD “inherited” the SBCAPCD SIP which was in effect for what is now called the San Bernardino County Portion of Mojave Desert Air Basin (MDAB).

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislations which created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left South Coast Air Quality Management District (SCAQMD) and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

2. SIP Analysis

The MDAQMD has a variety of FNDs adopted or carried over from its predecessor agencies. These are:

- a. Vacuum Producing Devices or Systems, 40 CFR 52.220(a)(1)(iii) - 09/11/95, 60 FR 47074
- b. Leaks From Petroleum Refinery Equipment, 40 CFR 52.222(a)(1)(i) - 01/3/95, 60 FR 38
- c. Process Unit Turnarounds,
- d. Industrial Wastewater, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- e. Equipment Leaks From Natural Gas/Gasoline Processing Plants, 40 CFR 52.222(a)(1)(i) - 01/31/95, 60 FR 38
- f. Synthesized Pharmaceutical Products, 40 CFR 52.222(A)(1)(iv) - 11/01/96 61 FR 56474, and 60 FR 38, 01/31/95
- g. Air Oxidation Processes – SOCMI, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- h. Polymer Manufacturing, 40 CFR 52.222(A)(1)(iv) - 11/01/96 61 FR 56474, and 60 FR 38, 01/31/95
- i. SOCMI and Polymer Manufacturing Equipment Leaks, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- j. Offset Lithographic Printing, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- k. Surface Coating of Automotive/Transportation and Business Machine Plastic Parts, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- l. Reactor Processes and Distillation Operations in SOCMI, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- m. Batch Processes, 40 CFR 52.222(A)(1)(iv) - 11/01/96 61 FR 56474, and 60 FR 38, 01/31/95
- m. Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- n. Manufacture of Styrene-Butadiene Copolymers, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- o. Polystyrene Foam Manufacturing, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- p. Ship Building, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- q. Plastic Parts Coatings – Others, 40 CFR 52.222(A)(1)(iv) - 11/01/96, 61 FR 56474
- r. Pneumatic Rubber Tire Manufacturing, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- s. Large Petroleum Dry Cleaners, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- t. Surface Coating of Cans, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153

- u. Surface Coating of Coils, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- v. Surface Coating Fabrics, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- w. Surface Coating Operations at Automotive and Light Duty Truck Assembly Plants, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- x. Surface Coating of Large Appliances, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- y. Surface Coating of Magnet Wire, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- z. Vacuum Producing Devices or Systems, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- aa. Leaks from Petroleum Refinery Equipment, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- bb. Process Unit Turnarounds, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- cc. Equipment Leaks from Natural Gas/Gasoline Processing Plants
- dd. Synthesized Pharmaceutical Products, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- ee. Air Oxidation Process – SOCFI, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- ff. Polymer Manufacturing SOCFI and Polymer Manufacturing Equipment Leaks, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- gg. Reactor Processes and Distillation Operations in SOCFI, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- hh. Synthetic Organic Chemical Polymer and Resin Manufacturing, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- ii. Petroleum Refinery Equipment, 40 CFR 52.222 (a)(1)(v) – 5/20/2011, 76 FR 29153
- jj. Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins, 40 CFR 52.222 (a)(1)(vi) – 5/20/2011, 76 FR 29153
- kk. Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment, 40 CFR 52.222 (a)(1)(vi) – 5/20/2011, 76 FR 29153
- ll. Plastic Parts and Products (Submitted to EPA July 5, 2018)
- mm. Automotive/Transportation and Business Machine Plastic Parts (Submitted to EPA July 5, 2018)

The MDAQMD has determined that no sources in the CTG source category listed in Table 1 exist within its jurisdiction.

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Appendix “A”
Federal Negative Declaration for One Control Techniques Guidelines Source
Category
Draft Version

1. *Federal Negative Declaration (8-hr Ozone Standard) for One Control Techniques Guidelines Source Category*

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Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

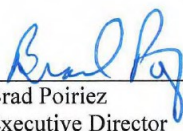
Brad Poiriez, Executive Director

Mojave Desert Air Quality Management District Federal Negative Declaration (8 hr Ozone Standard) for *One Control Technologies Guidelines Source Category*

The *Federal Clean Air Act* (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt and maintain rules requiring certain sources of air pollution to implement Reasonably Available Control Technology (RACT). Rules are required for all sources of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NOx) in source categories covered by a Control Techniques Guidelines (CTG) document issued by the United States Environmental Protection Agency (USEPA) and for any other major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA 182(b)(2)). If a rule is unnecessary because a source category does not exist within the affected area USEPA requires the submission of a Federal Negative Declaration (FND) to certify that those sources are not present. Effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm. For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as Severe-15 for the 0.075 ppm 8-hour standard. As a result of the shift to the 0.075 ppm standard, USEPA is requiring that all non-attainment areas submit an updated RACT State Implementation Plan (SIP) Analysis. The purpose of the RACT SIP Analysis is to ensure that District Rules adequately address current RACT requirements.

In the process of examining the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008), the MDAQMD discovered that one CTG source category was not adequately covered in the MDAQMD rule book. The MDAQMD then examined its permit files, emissions inventory and other documentation and has determined that there are no sources which meet the CTG threshold for the CTG source category of Motor Vehicle Materials, located within the jurisdiction of the MDAQMD and none are anticipated in the near future.

I certify on behalf of the MDAQMD that, to my knowledge, the MDAQMD does not have any major stationary sources or sources subject to the applicable CTG threshold in the referenced categories listed in Attachment "A" located within the jurisdiction of the District. Therefore the MDAQMD requests the USEPA to approve this Federal Negative Declaration for the 8 hour Ozone Standard and include it in the State Implementation Plan for the MDAQMD.


Brad Poiriez
Executive Director

September 5, 2018
Date

City of Adelanto	Town of Apple Valley	City of Barstow	City of Blythe	City of Hesperia	City of Needles	County of Riverside	County of San Bernardino	City of Twentynine Palms	City of Victorville	Town of Yucca Valley
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Attachment A

Source Category	Control Technologies Guidelines Document Covering Action
New FND	
Motor Vehicle Materials	1. Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts (EPA - 453/R-08-003, September 2008).

Appendix “B”

Public Notice Documents

1. Draft Proof of Publication – Daily Press
2. Draft Proof of Publication – Riverside Press Enterprise

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 22, 2018 at 10:00 A.M. to consider the proposed adoption of the *Federal Negative Declaration for One Control Techniques Guidelines Source Category*.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. A copy of the proposed Federal Negative Declaration and the associated staff report is on file and may be obtained from the Executive Office Manager at the MDAQMD Offices. Written comments may be submitted to Brad Poiriez, APCO at the above office address. Written comments should be received no later than October 18, 2018 to be considered. If you have any questions regarding the Federal Negative Declaration you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information.

The *Federal Negative Declaration (FND) for One Control Techniques Guidelines (CTG) Source Category* is proposed for adoption because for those CTG source categories not represented within the area designated non-attainment for ozone, and covered by a CTG or which meet the definition of a major source, the United States Environmental Protection Agency requires the submission of a FND certifying that those sources are not present. In the process of examining the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008), the MDAQMD discovered that one CTG source category was not adequately covered in the MDAQMD rule book. The MDAQMD then examined its permit files, emissions inventory and other documentation and has determined that there are no sources which meet the CTG threshold for the CTG source category of Motor Vehicle Materials, located within the jurisdiction of the MDAQMD and none are anticipated in the near future. The MDAQMD is now proposing to adopt a FND for this CTG source category.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 22, 2018 at 10:00 A.M. to consider the proposed adoption of the *Federal Negative Declaration for One Control Techniques Guidelines Source Category*.

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Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.

Appendix “C”

Public Comments and Responses

No Comments received to date.

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Appendix “D”
California Environmental Quality Act
Documentation

1. Draft Notice of Exemption – San Bernardino County
2. Draft Notice of Exemption – Riverside County

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NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of *Federal Negative Declaration for One Control Techniques Guidelines Source Category*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by the United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. Effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm. For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as Severe-15 for the new 0.075 ppm 8-hour standard. As a result of the shift to the 0.075 ppm standard, the District is required to update rules to meet RACT requirements. For those CTG source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a Federal Negative Declaration (FND) certifying that those sources are not present. These “Federal Negative Declarations” are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, these FNDs, once adopted by the Governing Board, will serve as official certification to the USEPA that there are no stationary sources or emitting facilities in these categories located within the area designated as non-attainment for ozone within the MDAQMD. In the process of examining the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008), the MDAQMD discovered that one CTG source category was not adequately covered in the MDAQMD rule book. The MDAQMD then examined its permit files, emissions inventory and other documentation and has determined that there are no sources which meet the CTG threshold for the CTG source category of Motor Vehicle Materials, located within the jurisdiction of the MDAQMD and none are anticipated in the near future. The MDAQMD is now proposing to adopt a FND for this CTG source category.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The adoption of the *Federal Negative Declaration for One Control Technique Guidelines Source Category* is exempt from CEQA review because it will not change any existing rules and regulations, or create any adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** October 22, 18

DATE RECEIVED FOR FILING:

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

X Senior Executive Analyst

PROJECT TITLE: Adoption of *Federal Negative Declaration for One Control Techniques Guidelines Source Category*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by the United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. Effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm. For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as Severe-15 for the new 0.075 ppm 8-hour standard. As a result of the shift to the 0.075 ppm standard, the District is required to update rules to meet RACT requirements. For those CTG source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a Federal Negative Declaration (FND) certifying that those sources are not present. These “Federal Negative Declarations” are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, these FNDs, once adopted by the Governing Board, will serve as official certification to the USEPA that there are no stationary sources or emitting facilities in these categories located within the area designated as non-attainment for ozone within the MDAQMD. In the process of examining the *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings* (EPA-453/R-08-003, September 2008), the MDAQMD discovered that one CTG source category was not adequately covered in the MDAQMD rule book. The MDAQMD then examined its permit files, emissions inventory and other documentation and has determined that there are no sources which meet the CTG threshold for the CTG source category of Motor Vehicle Materials, located within the jurisdiction of the MDAQMD and none are anticipated in the near future. The MDAQMD is now proposing to adopt a FND for this CTG source category.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The adoption of the *Federal Negative Declaration for One Control Technique Guidelines Source Category* is exempt from CEQA review because it will not change any existing rules and regulations, or create any adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** October 22, 2018

DATE RECEIVED FOR FILING:

Appendix “E”

Bibliography

The following document(s) were consulted in the preparation of this staff report.

1. *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings*, EPA-453/R-08-003 September 2008.

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The following page(s) contain the backup material for Agenda Item: [Receive and file presentation regarding the responsibilities and duties of the Community Relations & Education \(CRE\) department. Presenter: Ryan Orr, CRE Supervisor.](#)

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #17

DATE: October 22, 2018

RECOMMENDATION: Receive and file presentation regarding the responsibilities and duties of the Community Relations & Education (CRE) department.

SUMMARY: A staff presentation by the CRE Supervisor, Ryan Orr.

CONFLICT OF INTEREST: None

BACKGROUND: From time to time District staff provides presentations to the Governing Board regarding the functions and responsibilities of various departments of the District. Such presentations are intended to expand the knowledge base of the Governing Board members regarding the responsibilities and activities associated with the District's mission.

REASON FOR RECOMMENDATION: Presentations are received and filed.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director/APCO on or about October 9, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Ryan Orr, CRE Supervisor.



Community Relations and Education

Ryan Orr
Supervisor

Martial Haprov
Specialist

Community Outreach

Every interaction our staff has with the public creates an impression and reflection of our agency as a whole.



- Proactive in managing reputation
- Encouraging interaction > Providing information
- Reaching audiences where they're most comfortable
- Culture Change

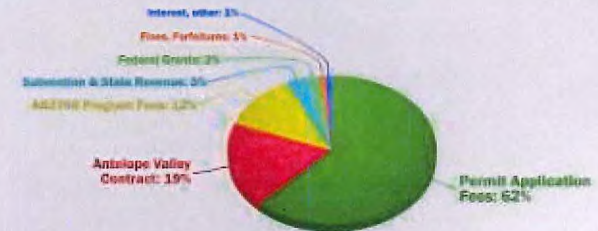
Media Relations

- Continuously evolving field with high demand to keep pace
- Multiple platforms, channels and choices based on audience preference
- CRE staff experience: Journalism, design, video production and grassroots outreach

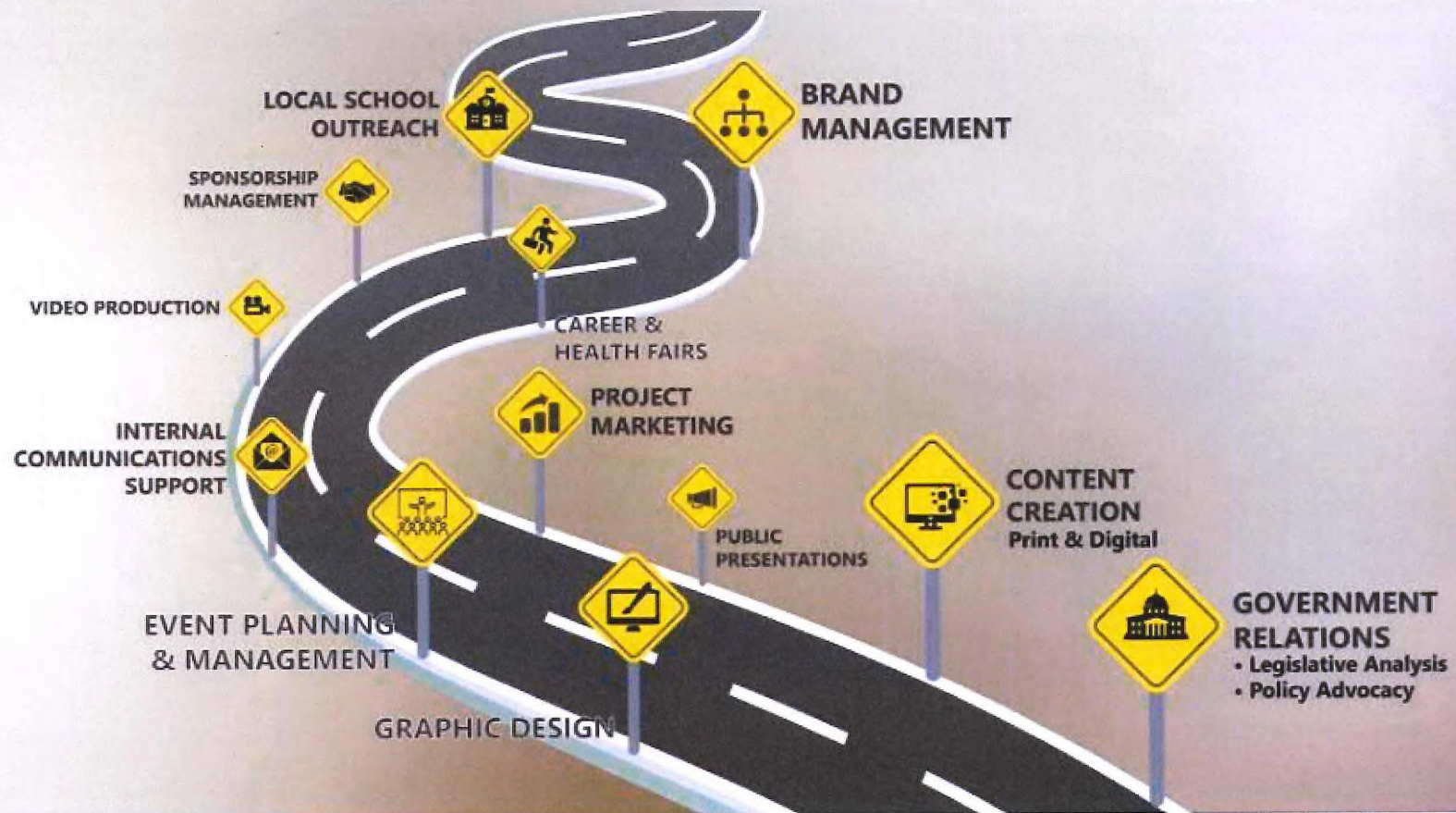


Public Education

- Good public information = Education
- Every presentation, chamber meeting, school tour, phone call and email is an opportunity to educate



The Road to Culture Change



Questions

If I was down to
my last dollar,
I would spend it
on public
relations

Bill Gates

Chairman Bill & Melinda
Gates Foundation, Microsoft



Some are born great,
some achieve
greatness, and some
hire public relations
officers.

Daniel J. Boorstin

Historian, professor,
attorney, and writer



Advertising is
saying you're good.
PR is getting
someone else to
say you're
good.

Jean-Louis Gassée

Founder BeOS



The following page(s) contain the backup material for Agenda Item: [Reports: Executive Director.](#)



Community Relations & Education Activity Report

September/October 2018

California Clean Air Day

October 3, 2018 marked the inaugural California Clean Air Day and MDAQMD promoted the awareness event on its website and throughout the day on its various social media campaign. It was also announced at the Victor Valley Chamber of Commerce's monthly breakfast meeting.

Countywide Vision4Safety

The MDAQMD is participating in the San Bernardino Countywide Vision4Safety campaign. The campaign aims to improve safety and emergency preparedness in San Bernardino County by connecting people to community policing, emergency response and disaster planning programs and encouraging them to follow professional tips to keep their families safe. MDAQMD is sharing posts from the county and also including the #Vision4Safety on all of its organic social media posts.

Community Activities/Press Conferences

MDAQMD CRE Specialist Martial Haprov accompanied Grant Specialist Jorge Camacho to Blythe where a check was presented to DeConinck Farms covering 80 percent of the cost of new equipment that will reduce emissions by up to 94 percent. While there, Haprov shared District programs and objectives with the Blythe Chamber of Commerce Board of Directors, the Palo Verde Valley Unified School District Public Information Officer and delivered a presentation to more than 25 high school science students. Haprov also served as emcee for two Hesperia Chamber-hosted candidate forums and the Victor Valley Chamber monthly breakfast meeting featuring State Assemblyman Jay Obernolte. In all roles he was able to communicate the mission of the district along with current programs.

CAPCOA

Representatives of CRE attended the quarterly meeting of the California Air Pollution Control Officers Association (CAPCOA) Public Outreach Committee meeting in Fresno. Over the course of two days, the communications staff from eight different air quality organizations shared information and discussed ongoing issues, initiatives and challenges facing the industry.

Twentynine Palms Marine Corps Base Tour

Leaders at the Twentynine Palms Marine Corps Air Ground Combat Center have organized a tour for the Governing Board and leadership of the Mojave Desert Air Quality Management District. The base was honored with the 2017 MDAQMD Exemplar award. Details of the tour have been shared with board members

Fort Irwin Health Fair

CRE staff visited Fort Irwin in September to participate in the Goldstone Deep Space Communications Complex Health Fair. More than 150 participants visited the MDAQMD booth to learn about the Air Quality Index, the area's most common pollutants and what can be done to help reduce emissions.

Press clips

Attached to this report is a sampling of earned media clips, selected social media posts and new materials created by the district.

Palo Verde Valley Times & Quartzsite Times

DeConinck Farms gets \$121K MDAQMD grant to reduce emissions

- By Uriel Avendano/Times Editor
- Sep 25, 2018
- (0)



The Mojave Desert Air Quality Management District (MDAQMD), through the Carl Moyer Program, recently awarded more than \$121,000 to DeConinck Farms in Blythe, California to help fund new, emissions-reducing agricultural equipment. Shown is DeConinck Farms owner/operator and MDAQMD Governing Board Member Joey DeConinck, left, and MDAQMD Grants Specialist Jorge Camacho at a check presentation in Blythe on Sept. 18. (Photo courtesy of the Mojave Desert Air Quality Management District)

On Sept. 20, the Mojave Desert Air Quality Management District (MDAQMD) announced that it has awarded Blythe's DeConinck Farms with \$121,205 in Carl Moyer Program funds toward a 2018 MFWR 9960 Windrower, with 208 horsepower, to replace a 2005 Hesston 9260 Windrower, thereby reducing emissions up to 94 percent.

"The Carl Moyer Program seeks to improve the quality of the air in the High Desert by funding local, cost-effective projects to upgrade heavy-duty diesel equipment using proven technologies and procedures that reduce emissions. MDAQMD's award to DeConinck Farms funded nearly 80 percent of the new equipment's cost," stated MDAQMD. "With more than 100,000 acres of agricultural land in the area, efforts to reduce emissions from farming equipment are a vital step in improving and protecting air quality in the Riverside County portion of MDAQMD's jurisdiction for current and future generations."

Previously, in June of 2015, the Carl Moyer Program awarded Blythe's City Fire Department \$46,805 in funding toward a Pierce Fire engine.

All told, the program has awarded over \$13 million in grant funding toward eligible projects.

"DeConinck Farms is an important partner in our mission to reduce emissions in the Palo Verde Valley," said Brad Poiriez, MDAQMD executive director. "We believe this is a great step in improving air quality for Blythe residents."

According to MDAQMD, the Carl Moyer Program provides approximately \$60 million annually for projects across the state; notably, the grant initiative is funded through tire fees and smog impact vehicle registration fees.

MDAQMD's program highlights include:

- Public and private entities can apply for Moyer funding;
- Small businesses with vehicles or equipment that are exempt from or not yet subject to air quality rules are particularly encouraged to apply;

- The program pays up to 85 percent of the cost to repower engines and up to 100 percent to purchase a CARB-verified retrofit device;
- Any cost-effective Mobile Source project, public or private, that results in PM and/or NOx reduction and is not subject to current regulations or within either two or three years of a compliance deadline is eligible;
- Projects must operate 75 percent of the time in the MDAQMD's boundaries.

MDAQMD further underlines typical projects related to the grant as:

- Repower: The replacement of an in-use engine with another, cleaner engine.
- Retrofit: An emission control system for a piece of equipment (filter).
- New purchases: Vehicles or equipment certified to optional, lower-emission standards.
- Equipment replacement: The replacement of an older vehicle or piece of equipment that still has remaining useful life with a newer, cleaner vehicle or piece of equipment. The old vehicle/equipment is scrapped. This category includes Emergency Vehicles (Fire Apparatus).
- Vehicle retirement (or car scrap): Paying owners of older, more polluting vehicles that still have remaining useful life to voluntarily retire those vehicles earlier than they would have otherwise.

For more information on the Carl Moyer Program, or to learn how to apply, please visit MDAQMD's incentive programs online page at:

mdaqmd.ca.gov/grants/incentive-programs

A look at the future

Mojave Desert Air Quality Management District officials see demonstration of electric school bus

By James Quigg

Staff Writer

VICTORVILLE — Mojave Desert Air Quality Management District Governing Board members rode the future of busing after their meeting Monday morning.

An all-electric bus was brought to the MDAQMD's board meeting to demonstrate Blue Bird Bus's second generation ecofriendly school bus.

These new buses can expect to travel 90 to 100 miles between charges, with a maximum of 120 miles between charges, which well exceeds the typical bus route of 50 miles.

See BUS, A5



BUS

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Blue Bird was able to extend battery life by using new lithium ion batteries and is the only bus manufacturer with a production model bus. "These now have the most current battery technology available and the range is well over 100 miles, which covers most of the bus routes in the United States," Matthew Esses of Adomani Zero Emission Vehicles said.

The MDAQMD Board members reviewed the bus as they heard presentations from their various grant programs.

"The district has been very proactive in trying to procure some grants from not only the state Air Resources Board, but other state agencies like the state Energy Commission as well, to help school districts go out and get zero emissions schools buses," MDAQMD Executive Director Brad Poiriez said. "Up here we do everything we can to promote alternate fuel to reduce emissions. The majority of our ozone problems come from tailpipes.

"It was comfortable, quiet," Poiriez said of the electric bus. "The big difference is it's very quiet and you don't get those surges of smoke coming from the tailpipe. And they're new and shiny."

The MDAQMD is in the process of gathering an inventory of all local school districts' current buses and their applicable, related information, the district said. Based on who is eligible for what, the agency will then help those districts through the application process and attempt to secure funding to partially pay for the electric buses.

Also on Monday, the MDAQMD honored outgoing board member Barb Stanton, whose term will end when her term on the Apple Valley Town Council ends this year. Stanton represented Apple Valley on the Air District board from 2011 to 2012 and again from 2015 to 2018.

Poiriez presented Stanton with a plaque commemorating her years of service, including a stint as vice chair in 2012.

"During her time on our board, Barb's contributions have shaped the policies of our district and helped forge a plan for continued success in the future," Poiriez said. "She has always been thoughtful, attentive and fully engaged."



Members of the Mojave Desert Air Quality Management District Governing Board take a test ride on a Blue Bird Electric School bus in Victorville on Monday. The MDAQMD would love to see area school districts convert to electric buses and will attempt to find grant funding to help them fund purchases. [JAMES QUIGG, DAILY PRESS]

MCLB Barstow receives Exemplar Award

Staff Reports

BARSTOW — The Marine Corps Logistics Base has been recognized for its efforts to combat air pollution by the Mojave Desert Air Quality Management District.

Citing “outstanding contributions toward the prevention or control of air pollution,” MCLB Barstow was honored by the MDAQMD on Monday as the 2017-2018 Exemplar Award winner, the district’s highest honor.

“MCLB Barstow has not only been compliant, but has been proactive in seeing what they can do to further reduce emissions, and always preemptively ensuring that they are meeting all current permit requirements,” MDAQMD Executive Director Brad Poiriez said.

Past winners include Cemex Victorville Plant, City of Hesperia, Marine Corps Air, Ground Combat Center Twentynine Palms, and Victor Valley Transit Authority, among many others. Agencies are chosen through a public nomination process.

“This award shows that all employees at the base work hard to maintain the high **See MCLB, C6**



The Mojave Desert Air Quality Management District awarded its highest honor, the Exemplar Award, to the Marine Corps Logistics Base Barstow during the district’s regular governing board meeting Monday. Accepting the award in person was Base Sgt. Maj. Martinez-Ruiz, center. [SUBMITTED PHOTO]

MCLB

From Page C1

standards of excellence that we require,” MCLB Base Sgt. Maj. Martinez-Ruiz said. “Not just in the area of environmental protection, but in all aspects of operation of the base.”

As one of only two logistics bases in the country, MCLB Barstow furnishes supplies for USMC facilities worldwide and is a direct support provider for all installations. The base is also responsible for the technical training of Marines, developing and maintaining their skills and job efficiency. Visit mdaqmd.ca.gov/outreach/exemplar for more information on the Exemplar Award, the nomination process and eligibility requirements.

Stanton honored for air-quality work

Retiring Apple Valley Town Council member began serving on Mojave Desert Air Quality Management District board in 2011

By Matthew Cabe

Staff Writer

VICTORVILLE — Barb Stanton was honored by the Mojave Desert Air Quality Management District (MDAQMD) on Monday following her decision to not seek reelection to a third term on the Apple Valley Town Council.

Stanton was appointed to the 13-member MDAQMD Governing Board after a Nov. 2, See **STANTON, B6**

STANTON

From Page **B1**

2010, election win ushered her into the local political realm. She represented Apple Valley from 2011 to 2012, and again from 2015 to 2018, according to an MDAQMD statement.

Stanton told the Daily Press she was at a “loss of words” when MDAQMD Executive Director Brad Poiriez presented her with a plaque commemorating her years of service, which included a stint as vice chair in 2012.

“It just fills your heart. It’s humbling,” Stanton said. “I think of the citizens who put me there. As I say goodbye, I think of all the people who make things work.”

Reflecting on her political career, Stanton said she understood “why politicians stay around,” adding that time is necessary to build relationships and become an effective elected official.

The same was true, she noted, for her time with the MDAQMD — the air pollution control authority and permitting agency that oversees an expanse that includes most of San Bernardino County and the Palo Verde Valley of Riverside County, which includes the City of Blythe.

“Imagine sitting down at the table in an agency with this kind of regulatory power and to feel uninformed. There’s a huge learning curve, and it really does take a lot of work,” Stanton said before taking jestful aim at herself. “You read and you ask questions. And then, in about eight years when you know enough, you quit.”

On the board, Stanton and her colleagues adopted rules, set policies and offered direction on crucial air-quality issues that affect the Mojave Desert. During Monday’s presentation, Poiriez said Stanton’s contributions “shaped the policies of our district and helped forge a plan for continued success in the future.”

“She has always been thoughtful, attentive and fully engaged,” he said in the statement. “As an executive director, it is rewarding to see a board member show the same compassion for air quality, and the residents throughout our district, as she does for those who elected her to serve in Apple Valley.”

Stanton returned the sentiment in kind. She described several longtime MDAQMD staff members as “the glue” of the agency, and said Poiriez has been a “breath of fresh air” since he became MDAQMD’s executive director in August 2016.

She expanded on those comments Wednesday, saying Poiriez was part of a transition at MDAQMD in recent years that followed the retirement of former Executive Director Eldon Heaston.

“We said goodbye to Eldon, and we welcomed Brad, who has reorganized and revitalized the agency,” Stanton said. “He’s young and dynamic, and ready to take on the challenges. I leave the board with a great executive director in place.”

Stanton publicly announced her retirement in July. She said loss, loneliness and a need for family overcame her after the May 17 death of her father, 92-year-old Robert Momjian, according to a previous Daily Press report.

She purchased land in Tennessee adjacent to the home of her adoptive sister, Carol Baber, and her family. With her new home currently under construction, Stanton said she expects to move by Oct. 24. At that point, she expects to join Town Council meetings via teleconference through the end of the year.

Initially, Stanton planned on naming her Tennessee property the Happy Trails Ranch in honor of Roy Rogers and Dale Evans, Apple Valley’s beloved celebrity couple. Her desire to become a beekeeper, however, soon fostered contemplation of a different name.

“I’m sort of leaning toward (the) Bee Happy Ranch now,” Stanton said, laughing. “I’m going to have fun with a couple colonies.”

Matthew Cabe can be reached at MCabe@VVDailyPress.com or at 760-951-6254. Follow him on Twitter @DP_MatthewCabe.



Mojave Desert Air Quality Management District Governing Board Member Barb Stanton, center, was honored Monday for her service to the district. Stanton served on the board from 2011 to 2012 and again from 2015 to 2018.

[PHOTO COURTESY OF MDAQMD]

BARSTOW, SMILE OF THE DAY

MCLB Barstow Wins MDAQMD's Highest Honor

by [admin](#) • September 27, 2018 • [0 Comments](#)



The Mojave Desert Air Quality Management District awarded its highest honor, the Exemplar Award, to the Marine Corps Logistics Base Barstow during the district's regular governing board meeting on Monday. Accepting the award in person was Base Sgt. Maj. Martinez-Ruiz, shown center.

By Staff Reports

(Barstow)— As a Title V facility holding 86 air quality permits, the Marine Corps Logistics Base Barstow (MCLB) was honored as the 2017-2018 Exemplar Award winner by the Mojave Desert Air Quality Management District (MDAQMD).

The Exemplar Award is the District's highest honor for outstanding contributions toward the prevention or control of air pollution given to one organization in the MDAQMD's 20,000+ square-mile jurisdiction through a public nomination process.

"MCLB Barstow has not only been compliant, but has been proactive in seeing what they can do to further reduce emissions, and always preemptively ensuring that they are meeting all current permit requirements," said MDAQMD Executive Director Brad Poiriez, who presented the award to Base Sergeant Major Martinez-Ruiz.

MCLB Barstow is one of only two logistics bases operated by the United States Marine Corps. It serves an important role as a major west coast Marine Corps logistics and maintenance center. Its purpose is twofold: (1) to procure, maintain, store and issue all classes of supplies and equipment and (2) repair and rebuild USMC-owned and other Department of Defense equipment. MCLB furnishes supplies for USMC facilities worldwide and is a direct support provider for all installations. MLCB Barstow is also responsible for the technical training of Marines, developing and maintaining their skills and job efficiency.

"This award shows that all employees at the base work hard to maintain the high standards of excellence that we require," said Base Sgt. Maj. Martinez-Ruiz, "not just in the area of environmental protection but in all aspects of operation of the base."

Past winners include Cemex Victorville Plant; City of Hesperia; Marine Corps Air, Ground Combat Center Twentynine Palms; and Victor Valley Transit Authority among many others. Please visit mdaqmd.ca.gov/outreach/exemplar-award for more information on the Exemplar Award, the nomination process and eligibility requirements.

For more information on grant opportunities through MDAQMD, contact Grants Specialist Jorge Camacho at 760-245-1661, ext. 2020 or orjcamacho@mdaqmd.ca.gov.

MDAQMD is the air pollution control authority and permitting agency for the High Desert portion of San Bernardino County and the Palo Verde Valley in Riverside County. It's governed by a board of 13 members representing nine incorporated municipalities and two counties within its boundaries. Visit www.mdaqmd.ca.gov or follow us on social media @MDAQMD.

Barb Stanton Honored for Years of Service to MDAQMD Board

by [admin](#) • September 26, 2018 • [0 Comments](#)



Mojave Desert Air Quality Management District Governing Board Member Barb Stanton, center, was honored Monday at the board's regular meeting for her years of service to the district. Stanton served on the board from 2011 to 2012 and again from 2015 to 2018, including a stint as Vice Chair in 2012.

By Staff Reports

(Victor Valley)— The Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) recognized board member Barb Stanton for her years of service to the agency at the board's regular meeting on Sept. 24.

Stanton, whose status as an elected Apple Valley Town Councilwoman offered the opportunity to serve on the Air District board, announced in July she would not run for reelection in November. Her retirement from the Town Council also means she'll vacate the Apple Valley seat on the MDAQMD Governing Board dais.

Stanton represented Apple Valley on the Air District board from 2011 to 2012 and again from 2015 to 2018.

MDAQMD Executive Director Brad Poiriez presented Stanton with a plaque commemorating her years of service to the Air District, including a stint as Vice Chair in 2012.

"During her time on our board, Barb's contributions have shaped the policies of our district and helped forge a plan for continued success in the future," Poiriez said during the plaque presentation. "She has always been thoughtful, attentive and fully engaged. As an executive director, it is rewarding to see a board member show the same compassion for air quality, and the residents throughout our district, as she does for those who elected her to serve in Apple Valley." Stanton plans to retire to 16 acres in Tennessee where she'll transition from councilwoman and governing board member to bee keeper. "As you step out a new door, or into a new door, it's difficult and it's

hard to leave this wonderful agency,” Stanton said at Monday’s meeting. “But I’m proud of the work that we’ve done and that this agency will continue to do.”

Stanton called Poiriez a “breath of fresh air” since becoming MDAQMD’s Air Pollution Control Officer in 2016, and verbalized her admiration for several longtime MDAQMD staff members as “the glue” of the agency.

“Sometimes this is a thankless job, we all know that, for employees too,” Stanton said. “I encourage you all to keep up the good work. I’m going to miss everybody and thank you for your generosity toward me.”

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New School Bus to Drive Kids to Cleaner Future

by [admin](#) • September 25, 2018 • [0 Comments](#)



The Mojave Desert Air Quality Management District hosted an electric school bus demonstration on Monday following its regular governing board meeting. The zero-emission bus looks virtually identical to diesel-powered buses while they are remarkably quieter inside and out and provide a far cleaner alternative to traditional buses.

By Staff Reports

(Victor Valley)— Members of the Mojave Desert Air Quality Management District's (MDAQMD) Governing Board members were treated to a ride on an electric school bus Monday to see firsthand the potential to make local fleets run cleaner in the future.

"Up here we do everything we can to bring new emission-reducing technologies to local schools," said Brad Poiriez, Executive Director of the MDAQMD.

The zero-emission buses get the equivalent of 26 mpg and can go an average of 120 miles before needing to be recharged. Kids can bypass the fumes currently emitted from dated diesel buses as well enjoy a much quieter ride to school.

There are currently 480,000 buses in the United States that, on an annual basis, deliver 26 million kids to school covering more than 260 million miles, according to Matt Essex, sales director for Adomani, the company that makes the drivetrains for the bus. The new buses will potentially continue to replace the estimated 25,000 school buses currently operating in California and help meet Gov. Brown's plan to make the state completely reliant on renewable energy by 2045.

"Over the next five years, these buses are going to be game changers in the industry," said Jason Songer Sr., sales manager for A2Z Bus Sales. Although none are currently operational in the Mojave River Valley or Palo Verde Valley, future grant funds from the MDAQMD are expected to be released that could help local districts partially fund the purchase of electric buses.

For more information on grant opportunities through MDAQMD, contact Grants Specialist Jorge Camacho at 760-245-1661, ext. 2020 or jrcamacho@mdaqmd.ca.gov.

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Mojave Desert AQMD @MDAQMD · Sep 26

ICYMI: MDAQMD honored Governing Board Member Barb Stanton this week for her years of service to the board ahead of her pending retirement. Learn more: mdaqmd.ca.gov/Home/ShowDocum...



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Robert Lovinggood @RobertLovinggood · Sep 24

@MCLB_Barstow was recognized today with the @MDAQMD annual Exemplar Award, which was accepted by Base Sergeant Major Martinez-Ruiz. The Exemplar Award recognizes outstanding contributions toward the prevention or control of air pollution in the Mojave Desert Air Basin. Congrats!

